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Item No. 14.1.6
Halifax Regional Council
May 9, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Originally Signed

SUBMITTED BY: _____
Brad Anguish, A/ Chief Administrative Officer

DATE: May 2, 2017

SUBJECT: **Case 20226: SMPS and LUB Amendments for Lovett Lake Lands,
Beechville**

ORIGIN

Application by Armco Capital Inc.

LEGISLATIVE AUTHORITY

Refer to Attachment G.

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider a comprehensive set of amendments to the Secondary Municipal Planning Strategy and Land Use By-law for Timberlea / Lakeside / Beechville, and to the Secondary Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland, for lands near Lovett Lake in Beechville (identified as the Study Area in this report), consistent with the Regional Municipal Planning Strategy's characteristics for Urban Local Growth Centres; and
2. Follow a public participation program, as outlined in Attachment F of this report.

BACKGROUND

Armco Capital Inc. (the applicant) has applied to develop 59 acres of undeveloped land in the community of Beechville. The subject site is north of St. Margaret's Bay Road, between Bayers Lake Business Park and Lovett Lake (Map 1). Beechville used to be known as Beech Hill, and was settled by refugees who had escaped from slavery during the War of 1812. Many early settlers in Beechville had fought for the British in the War and for their service were granted 5000 acres near the Northwest Arm, in an area that included Beechville, Chain of Lakes and Nine Mile River. The community is one of the oldest African Nova Scotian communities in the province.

An existing development agreement (DA) on four parcels within the subject site permits 253 housing units on 43 acres. This DA, which was approved in 2014, permits a mix of detached homes, two-unit homes and townhomes on new public streets, including a new street entrance from St. Margaret's Bay Road.

Subject Site	8 adjoining properties as shown on Maps 1 and 2. This includes the 4 properties subject to the existing DA.
Location	Lands in Beechville between: Hobson Lake Drive (in Bayers Lake Business Park); St. Margarets Bay Road; Lovett Lake; and the Chain of Lakes Trail.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Urban Residential
Zoning (Map 2)	Comprehensive Development District
Size of Site	58.8 acres (23.8 hectares)
Street Frontage (on St. Margaret's Bay Rd.)	About 296 metres (in a 106 m, a 57 m, and a 133 m section) (971 ft. of frontage, in a 348 ft., a 187 ft. and a 436 ft. section)
Current Land Use(s)	Undeveloped
Surrounding Use(s)	<ul style="list-style-type: none"> • The Beechville Baptist Church is a registered heritage property on St. Margaret's Bay Road. It is next to the subject site. • Lovett Lake is west of the subject site. • The Chain of Lakes Trail is north of the subject site. Further north, more phases of Bayers Lake Business Park are planned. • Bayers Lake Business Park is east of the subject site. Most uses in this part of the Park are light industrial, office and retail. • St. Margaret's Bay Road is south of the subject site. There are some detached homes, and some commercial properties including a gas station, on St. Margaret's Bay Rd.

Proposal Details

The applicant wishes to develop approximately 59 acres of land next to Lovett Lake in Beechville. The proposed development would have new public streets, new public parks, and more than new 1200 residential units in a range of housing types. The applicant's rationale (Attachment A) and concept plan (Attachment B) outline the main components of the proposal, which include:

- A mix of housing and commercial uses, including 70,600 ft² (6,560 m²) of commercial space;
- 1292 residential units - a density of 22 units / acre, or 54 units / hectare;
- A projected population of over 3100 people (53 people / acre, or 130 people / hectare);
- Low rise houses, with a mix of detached houses, two-unit houses and townhouses;
- Mid-rise, multi-unit residential buildings, most between 4 to 6 storeys, some taller, with one 10-storey building;
- New public streets, laid out generally in a grid form;

- Street connections to St. Margarets Bay Road and Hobson Lake Drive in Bayers Lake Business Park;
- Sidewalks on all streets, and trails that connect the development to Chain of Lakes Trail;
- A public park near the entrance of the community, called the village green. The park is about 3500 m² (0.9 acres). Smaller public parks are also proposed within the development;
- A forested buffer between the development and Lovett Lake;
- A setback from the Beechville Baptist Church, a registered heritage property next to the site. The Baptismal Path, connecting the Church to Lovett Lake, would be preserved.

Regional Plan Context

The Regional Plan identifies Lakeside / Beechville as an Urban Local Growth Centre. The Regional Plan sets out desired features for Urban Local Growth Centres, including: a mix of low, medium and high density housing; walkable streets; active transportation routes; and quality transit connections to other Centres. Further, the subject site is designated Urban Settlement by the Regional Plan, and falls within the Urban Service Area, meaning central sewer and water services are available. In short, the Regional Plan sees this area as suitable for a serviced, mixed-density development. Attachment C contains a review of relevant Regional Plan policy.

Secondary Plan and Land Use By-law Context

The subject site is regulated under the Timberlea / Lakeside / Beechville Secondary Municipal Planning Strategy (TLB SMPS). The subject site is designated Urban Residential (UR) by the TLB SMPS and is zoned Comprehensive Development District (CDD) by the Land Use By-law for Timberlea / Lakeside / Beechville (TLB LUB). This designation and this zone exist to identify priority areas to be developed comprehensively with a mix of housing types. A development agreement is required for development to proceed. As noted, in 2014 the applicant entered into a DA that allows for 253 residential units on a portion of the subject site.

The TLB SMPS's housing intent is to maintain existing single unit dwelling areas and limit multi-unit dwellings. It has established a ratio of low density (single unit) to higher density housing of 70:30 as a general target for an overall housing mix in the plan area. For development on CDD zoned lands, the TLB SMPS allows up to 50% higher density housing (two-unit homes, townhouses, and multi-unit buildings). This proposal has over 90% of units in two-unit houses, townhouses and multi-unit buildings, which is significantly higher than what is currently allowed. No existing TLB SMPS designation will allow this development. The applicant is therefore asking for policy amendments to allow higher density development at Lovett Lake.

The TLB SMPS also restricts commercial uses in the CDD Zone. General commercial is only permitted in developments larger than 100 acres. Over 70,000 square feet of commercial space is proposed at Lovett Lake, on a 59 acre site. This much commercial space also requires a SMPS amendment. Finally, the proposal has many multi-unit buildings. Under the plan, multi-unit buildings must be placed on a major collector street. The proposed street does not meet SMPS criteria for a major collector. Attachment D provides a review of relevant TLB SMPS policy.

Wastewater Context

The TLB SMPS discusses a general density in the Plan area of 17 persons per acre. When the SMPS was written, this was the amount of density the sewer system could support. The SMPS does suggest that the area's housing mix (and hence density) may need to change over time to meet housing demands in the Plan Area. A new trunk sewer project has recently increased sewer capacity in Beechville. The existing DA allows 20 people per acre on the subject site. The DA was approved before the wastewater sewer line was upgraded. The applicant is now requesting 53 people per acre. While the TLB SMPS does not establish a firm limit on density, any amendment process should carefully consider appropriate density on the subject site.

DISCUSSION

The Secondary Municipal Planning Strategy (SMPS) is a strategic policy document. It sets out the goals and direction for long term growth and development in the Municipality. While the SMPS provides broad direction, Regional Council may consider requests to amend the SMPS to permit proposed development that is inconsistent with existing SMPS policies. Amending the SMPS is a major undertaking and Council is not required to consider such requests. Amendments should only be considered within the broader planning policy context, and when there is reason to believe that circumstances have changed since the relevant SMPS policy was adopted, or last reviewed.

Applicant's Rationale

The applicant has provided the following reasons to support the proposed amendments:

- A new trunk sewer line has increased the sewer capacity in Beechville;
- The applicant has firm plans to build office and retail uses on land in Bayers Lake Business Park that is next to the subject site. No industrial uses are proposed;
- More land is included in this application. The existing DA covers 43 acres (17 hectares); this application is for 58.8 acres (24 hectares). The new proposal allows for a connection between St. Margaret's Bay Road in Beechville and Hobsons Lake Drive in Bayers Lake; and
- The area has been identified as a growth centre in the Regional Plan.

Attachment A contains the applicant's rationale. Attachment B contains a concept plan for the subject site. The applicant states they understand that finding the right density for this development will be a key part of the process.

Staff Review

Staff have reviewed the applicant's rationale, the existing policy and the changes that have occurred in the area since the policy's adoption. Staff advise there is merit to considering changes to the SMPS and Land Use By-law, to allow a serviced, mixed-use development.

Staff's view is that Council may consider SMPS amendments to permit a development at Lovett Lake for the following reasons:

- The Regional Plan identifies Lakeside/ Beechville as an Urban Local Growth Centre. Moderate or high density development is appropriate, subject to further planning.
- The application is for a mix of low density, moderate and high density housing. The proportion of high density housing is larger than the SMPS now allows, but the SMPS does state that housing mix may need to change to meet the needs of all residents. The Regional Plan suggests serviced, moderate density development is acceptable. The appropriate density for the site should be decided through community engagement and the Plan Amendment process.
- A recently built trunk sewer line has increased the sewer capacity in the Beechville area.

Regional Plan Context

Lakeside/Beechville is an Urban Local Growth Centre under the Regional Plan. The Regional Plan identifies the design characteristics for each type of centre that would be used to guide planning policy for each Growth Centre. To date, several Plan Amendments have been initiated by Regional Council within in Growth Centres, which are based on the design characteristics identified in the Regional Plan. Other Secondary Plans also ensured that appropriate servicing was planned for an identified Growth Centre before expanding the service boundary. Bedford West, Bedford South and Morris-Russell Lake were each planned through a Secondary Planning Strategy.

A complete review of the TLB SMPS is not required for the Lovett Lake site, as the area is quite small. However, detailed study is required to assess the proposed development and create policy. The amendment process will establish policy consistent with the Regional Municipal Planning Strategy's characteristics for Urban Local Growth Centres, shown in Table 3-1 of the Regional Plan (Attachment C). Attachment C also contains staff's review of applicable Regional Plan policies.

If initiated, part of the planning process will be finding an appropriate density for the site, as well as finding and appropriate mix of land uses, and understanding the transportation and servicing impacts of the development. The amendment process will establish SMPS policy that is consistent with the Regional Municipal Planning Strategy's characteristics for Urban Local Growth Centres. It could result in policy to allow a mixed use development at Lovett Lake with more high-density housing than currently allowed under the SMPS.

Community Context and Concerns

There is policy support for considering new SMPS policy for the Lovett Lake site, but residents of Beechville have expressed concerns in the past about potential developments on these lands. When the existing Development Agreement was negotiated in 2014, staff held a number of community meetings. Many Beechville residents indicated they were worried that construction could disturb unmarked graves near the Beechville Baptist Church. There was also concern that the community might lose access to a traditional pathway – the Baptismal Path - that leads from the Church to the lake for baptisms. Some expressed hope that buildings or historic sites from the community's early years could be preserved alongside newer development. This was particularly important because there is a sense that the community has shrunk dramatically, through expropriations and tax sales considered not always fair or appropriate. The community is also concerned about additional traffic, especially if there is a direct connection to Bayers Lake Business Park.

All of these community concerns underscore the importance of a considered engagement program, as outlined in Attachment F. It also shows the need to work closely with the Province to ensure that new policy protects community heritage, especially any unmarked graves. In undertaking the engagement, the Municipality will work closely with the community, HRM African Nova Scotian Affairs Integration Office, the developer and the Province.

Study Area and Study Scope

Staff recommends the study area include all property needed to properly connect the subject site to Bayers Lake Business Park, to St. Margaret's Bay Road and to Highway 103. The recommended study area is shown in Attachment E. In addition to the development lands proposed by the applicants, staff have expanded the study area to include Phase 5 of Bayers Lake Business Park, currently designated Industrial and zoned I-3, under the Halifax SMPS. Given the range of industrial uses permitted, compatibility of uses between these lands should be considered at the same time as any amendments to the TLB SMPS. The proposed study area also includes land along St. Margaret's Bay Road near the subject site, including land now zoned C-2 (General Business) and R-1 (Single Unit Dwelling). The amendment process should consider if any policy changes are required for these properties. As the study area includes the lands of the Beechville Baptist Church (zoned P-2, Community Facility), the study will help confirm that the policies for this heritage property are up to date. Finally, the study area contains land around St. Margaret's Bay Road and the Highway 103 interchange. Redesigning and rebuilding St. Margaret's Bay Road in this area (which has been studied by the Municipality and by the Nova Scotia Department of Transportation and Infrastructure Renewal) could affect future development.

In considering amendments to the Halifax SMPS and Timberlea/Lakeside/Beechville SMPS and Land Use By-laws staff are recommending the work take place in two phases. Phase 1 would involve community engagement, and background studies to understand the development opportunities and constraints. A key part of Phase 1 will be finding an appropriate density and an appropriate mix of land uses for the site. After Phase 1, staff will report back to Council. Phase 2 will involve detailed infrastructure planning and creating a set of policies and regulations to guide development, and reporting back to the public. There is an existing Development Agreement on the subject property. If the SMPS amendments permit a different development, this Development Agreement may need to be discharged or amended by Halifax and West Community Council. The process is outlined in Attachment F.

Conclusion

Staff have reviewed the application for an SMPS amendment at Lovett Lake to enable a development that is not permitted under the SMPS. There are several reasons the request has merit. The SMPS

acknowledges the housing mix may need to change to meet community needs. For several years, more housing in HRM has been built in townhouses and multi-unit buildings, but this change was not anticipated by the SMPS. Also, service capacity has increased with the new sanitary sewer line. Finally, the Regional Plan has identified Beechville as an Urban Local Growth Centre, an area for moderately dense, serviced growth. For these reasons, staff recommend reviewing the applicable SMPS and Land Use By-laws within the proposed Study Area. The aim of this review will be to develop new planning policy and land use standards consistent with the Regional Plan's characteristics for Urban Local Growth Centres.

COMMUNITY ENGAGEMENT

If Regional Council chooses to initiate the SMPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution. It outlines the process for proposed SMPS amendments that are considered to be local in nature. The resolution requires, at a minimum, staff to hold a public meeting, along with any other measures necessary to obtain public opinion. Staff suggests to Council that the scope of this application requires more than the minimum level of public engagement.

Staff suggests the level of community engagement is consultation, achieved through three public meetings and a Halifax and West Community Council meeting. Meetings would be hosted by staff. The proposed public participation program is outlined in Attachment F.

Staff will work the Department of African Nova Scotian Affairs, to establish an engagement program for the African Nova Scotian community in Beechville. The goal of the community engagement will be to ensure the community has clear information on the project, a chance to review and discuss studies and reports, and a chance to provide feedback that influences how the site develops.

Amendments to the SMPS for Timberlea/ Lakeside/ Beechville and Halifax will potentially impact the following stakeholders:

- Beechville Baptist Church (a Municipal heritage property)
- Local residents and property owners in Beechville and surrounding area
- Property owners and tenants in the Bayers Lake Business Park

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2016 / 2017 operating budget for C320 Policy and Strategic Initiatives.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed SMPS amendments, which are at the discretion of Regional Council. Municipal Planning Strategy amendments are not appealable the Nova Scotia Utility and Review Board. Information about risks and other implications of adopting the proposed amendments are contained in the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the Secondary Municipal Planning Strategy amendment process. A decision of Council not to initiate a process to consider amending the Municipal Planning Strategies is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Applicant's Rationale
Attachment B:	Applicant's Concept Plan
Attachment C:	Policy Review: Regional Municipal Planning Strategy
Attachment D:	Policy Review: Municipal Planning Strategy for Timberlea / Lakeside / Beechville
Attachment E:	Study Area Map
Attachment F:	Proposed Public Participation Program and Planning Process
Attachment G:	Legislative Authority

A copy of this report can be obtained online by visiting <http://www.halifax.ca/council/index.php> and choosing the appropriate Regional Council meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or by email at clerks@halifax.ca.

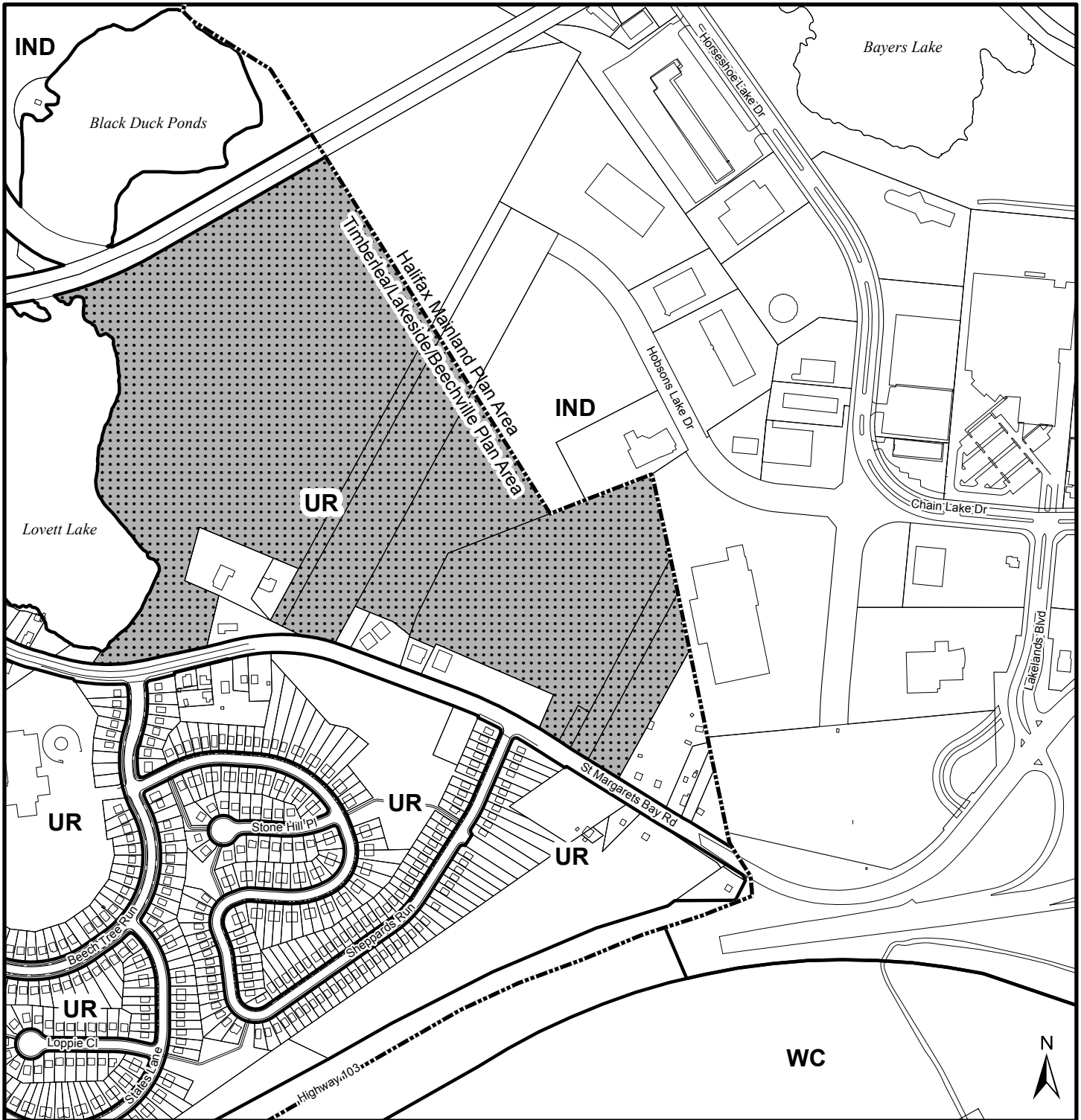
Report Prepared by: Sean Gillis/ Planner II, 902.490.6357

Original Signed

Report Approved by: Kate Greene, Manager, Policy and Strategic Initiatives, 902.225.6217

Original Signed by Director


Report Approved by: Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

Lovett Lake
Beechville

HALIFAX

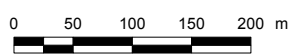
 Subject Properties

Timberlea/Lakeside/Beechville Designations

UR Urban Residential
IND Industrial

Halifax Designations

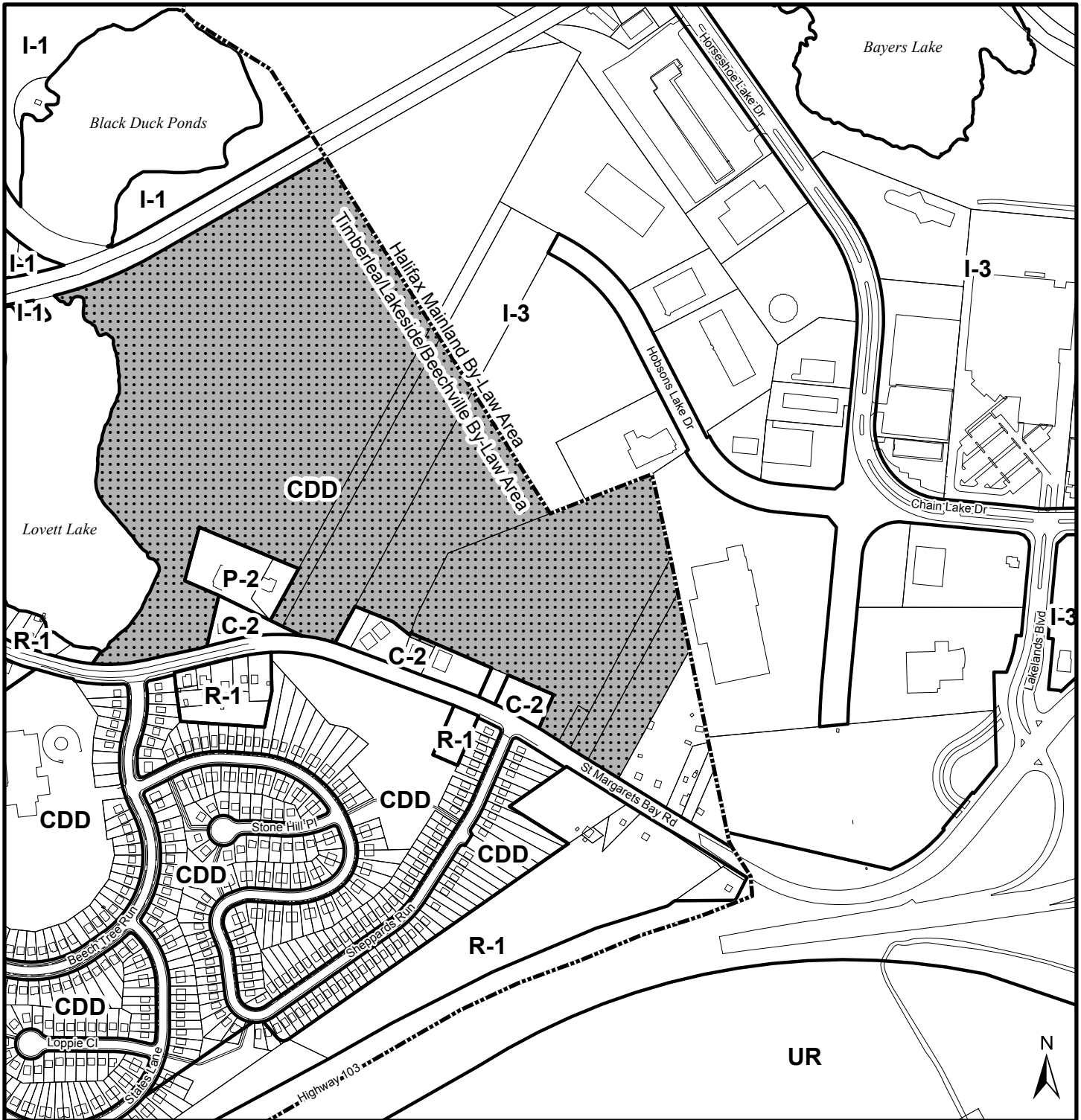
IND Industrial
WC Western Common



Timberlea/Lakeside/Beechville
Plan Area

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


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning

Lovett Lake
Beechville

HALIFAX

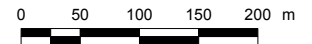
 Subject Area

Timberlea/Lakeside/Beechville Zones

- R-1 Single Unit Dwelling
- C-2 General Business
- I-1 Light Industry
- P-2 Community Facility
- CDD Comprehensive Development District

Halifax Mailland Zones

- I-3 General Industrial
- UR Urban Reserve



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

The accuracy of any representation on this plan is not guaranteed.

Timberlea/Lakeside/Beechville
By-Law Area



Submitted: 30 September 2015

Updated: 27 January 2017

Project #: 15-021

Case: 20226

Sean Gillis, Planner II
 Development Approvals
 Planning & Development
 P.O. Box 1749
 Halifax, NS B3J 3A5

RE: Lovett Lake Village UPDATE – Application to Amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and Existing Development Agreement to add Additional Lands

Introduction

On behalf of our client, Armco Capital Inc., please consider this letter an application to amend the MPS to create new policies for Lovett Lake Village and amend the development agreement. The lands currently under development agreement are PIDs: 40049694, 40049884, 40160582, and 40049728.

The goal is to create a high quality, mixed-use, healthy community featuring affordable housing options for the residents of Beechville/Lakeside/Timberlea (BLT). The community will feature high quality urban design and streetscapes, a dedicated village green, and local retail amenities; not only for residents of the community but for BLT as a whole. The community will be fully walkable with several connections to the COLTA greenway and several options for open space and neighborhood parks.

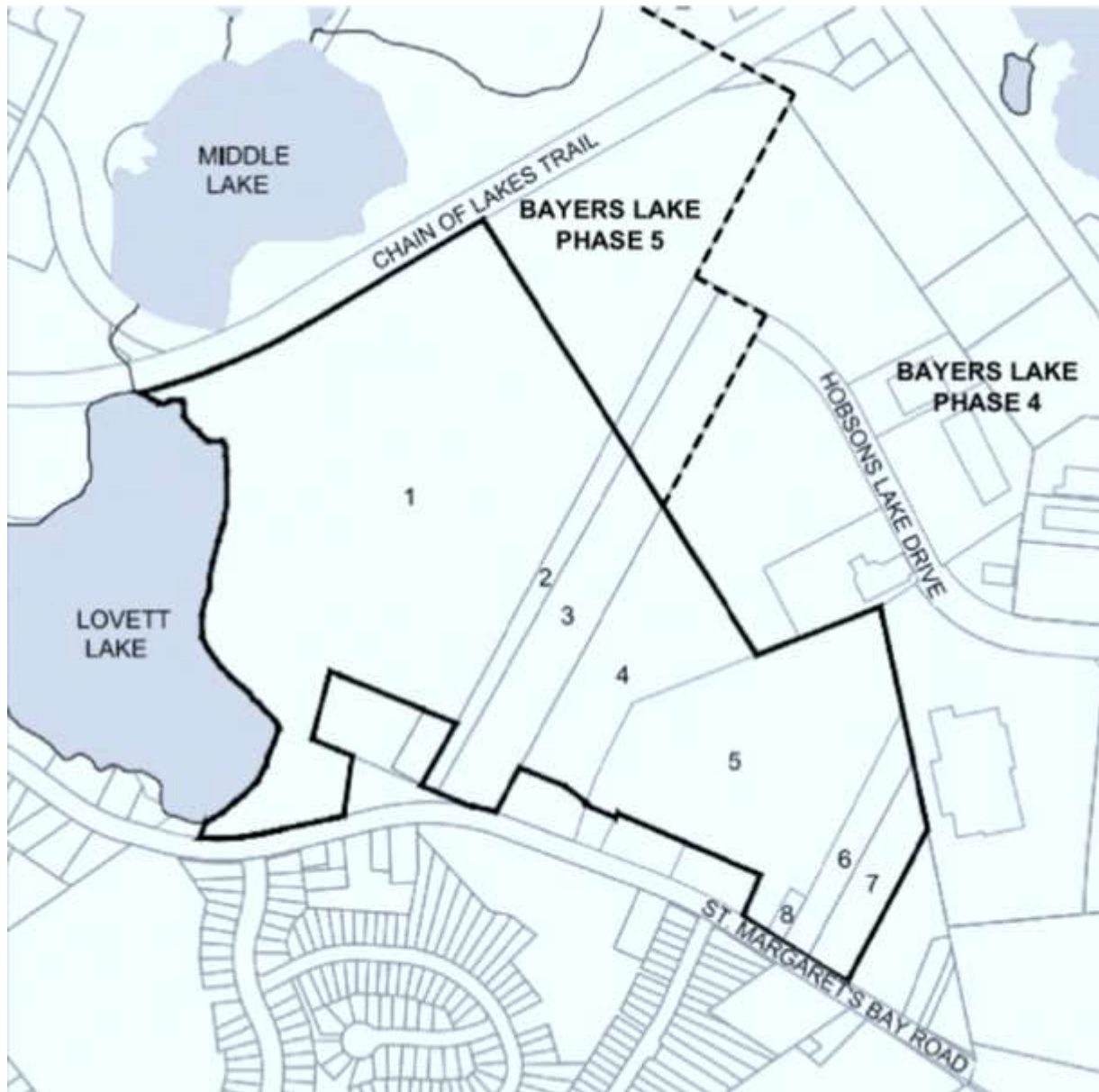
Our proposal is to add all or portions of PIDs 40049579, 40049777, 40160590, and 40049702 to the development agreement. This would increase the developable area from 43.1 acres to 58.8 acres. Additionally, we are proposing an increase in the allowable density and unit mix for the area. We believe that the Lovett Lake area warrants new updated MPS policies that would recognize the changes that have occurred over the past few years. Our team working on this project includes planning staff at Armco, Ekistics, and engineering staff at DesignPoint.

We are representing Armco Capital Inc. and more specifically, the Lovett Lake lands shown in the following table.

ID	PID	OWNER	Area (acres)	Percent
1	40049694	Armco Capital Inc.	31.7	53.9%
2	40049884	Armco Capital Inc.	1.7	2.9%
3	40049728	Armco Capital Inc.	4.6	7.8%
4	40160582	Armco Capital Inc.	5.5	9.4%
5	40049777	Twin Brooks Development*	11.6	19.7%
6	40160590	Armco Capital Inc.	1.6	2.7%
7	40049702	Armco Capital Inc.	1.9	3.2%
8	40049579	Armco Capital Inc.	0.2	0.3%
		TOTAL	58.8	100.0%

* amalgamated with Armco Capital Inc. 1 January 2017.

The total area of the lands included in parcels 1 through 8 is approximately 58.8 acres. The lands are located just east of Lovett Lake, between St. Margarets Bay Road and the Chain of Lakes Trail (COLTA). The area is mostly undeveloped and is in a prime location well suited for development. The landowner is requesting that the Timberlea/Lakeside/Beechville Planning Strategy (MPS) be amended, as required under current policies, to allow the existing DA to be amended to allow for the proposed development. The subject parcels are shown below:



The Armco Bayers Lake Phase 5 lands to the east of the subject lands are approximately 28 acres.

Surrounding Land Uses

The surrounding land uses vary. The area to the south, along St. Margarets Bay Road is primarily residential (Beechville Estates). Immediately adjacent to the east, is existing commercial/office and retail uses including the recently approved commercial development on the Armco Bayers Lake Phase 5 lands. To the north of the site is the Chain of Lakes Trail and beyond that is the Banc Developments Bayers Lake Northwest Corner Project.

Concept Plan

The conceptual layout plan below illustrates the proposed land uses and layout of the project (larger plan enclosed).

The plan shows a connection between Hobson Lake Drive and St. Margarets Bay Road, along with an active transportation trail connecting St. Margarets Bay Road to the COLTA Trail to the north of the site.



The proposed concept provides two access points to the development: one via St. Margarets Bay Road and the second to the future Hobson Lake Drive in Armco’s Bayers Lake Phase 5.

The proposed uses for this development include mixed use (residential/commercial), multi-unit residential, single family/semi-detached/townhouse residential, and commercial uses. These proposed uses will provide a greater diversity of residential styles to better suit the community, who may be

interested in options other than single family dwellings. The range of choices will allow people to stay in their current community and live close to amenities.

The proposed mix of uses is as follows:

Use	Units	Unit Density	Population
Multi-Unit*	1104	2.25	2484
Townhouse	65	3.35	218
Semi-Detached	40	3.35	137
Single Family	83	3.35	278
TOTALS	1292		3117
Commercial	70,600 sf		

*Multi Units includes units within stand-alone residential buildings as well as Multi Use Buildings (Residential/Commercial).

The multi-unit building heights range from 4 to 10 storeys. The majority of the multi-unit buildings are 4-6 storeys. Some taller buildings will be located around the village green, with one landmark building of 10 storeys providing a focal point.

The above population results in a proposed density of 53 people per acre. We are open to changing the density and unit mix through the planning process, as required, to create a high-quality, livable community.

Green Space

A significant parkland parcel along Lovett Lake will include a pedestrian trail from St. Margarets Bay Road to the COLTA trail and a trailhead at St. Margarets Bay Road. This will provide the community with improved access to the greater trail network.

A parkland common area (village green) is located among the higher density uses. This green space will provide an accessible central meeting and recreation area for residents. Neighbourhood commercial uses on the ground floor of adjacent residential buildings will help create the feel of a village green, and encourage a more walkable community. Amenities can include an accessible playground, walkways and benches, and a splash pad. (see attachment for examples of similar designs)

A neighbourhood park is located on the main road, where the development transitions to less dense housing forms. Its central location, on a corner, makes it a highly visible and easily accessible park.

The street layout, pedestrian lakefront trail, connection to Bayers Lake and access to the existing bus network, will create a livable, walkable community.

The proposed parkland dedication is in excess of the required 10%.

Environmental Conditions

The existing terrain of the subject area consists primarily of cleared areas of exposed bedrock and rock ridges. Watercourse buffers are preserved and remain treed.

A preliminary desktop review of the wetland and watercourses was completed for the site. Information available from provincial mapping (1:10,000) has been included on the conceptual layout plan. A field

investigation by a qualified professional has been completed on some of the properties. It is anticipated that wetland alteration permits may be required on some of the parcels. Additional field investigation will be required to confirm the presence of wetlands and watercourses on each property. It is suggested that this work be completed after the MPS amendment is completed. Most notably the project area is adjacent to Lovett Lake and the conceptual plan has provided a significant buffer from the lake to the area to be developed.

Water, Wastewater, and Stormwater Services

Based on previous work in the area, we understand that the water distribution system in this area has sufficient capacity to service a development of this size. The connection from St. Margarets Bay Road to Hobson Lake Drive will provide a valuable watermain loop to the existing Bayers Lake system.

A preliminary review of the wastewater servicing has been completed and with the recently installed Lakeside Pumping Station Diversion wastewater infrastructure along the COLTA Trail, there is adequate servicing capacity for this project.

Stormwater will be handled using onsite storage in accordance with the Nova Scotia Department of Environment and Halifax Water regulations.

Traffic System

The site is located near the 102 and 103 Highways, allowing for easy access. We understand that there may be limitations on St. Margarets Bay Road, however we are prepared to conduct a traffic study and address any issues after initiation.

Planning Rationale for MPS Amendment

Amendments to an MPS are generally not considered unless it can be shown that circumstances have changed since the document was adopted to the extent that the original land use policy is no longer appropriate. Site specific MPS amendments, in particular, require significant justification to be considered.

The original Armco Lovett Lake lands (43 acres) went through a development agreement (DA) process and a DA was approved in 2014.

At the time of the DA Process, a few of the limiting factors were:

1. Limited sewer capacity in the Beechville/Lakeside area due to NSE restrictions on the BLT wastewater treatment facility, this ultimately limited the density permitted on the development.
2. Adjacent industrial land on Hobson Lake Drive and the northwest corner of Bayers Lake retail area, made it difficult to connect the Lovett lake development to the Bayers Lake development.
3. The total land mass was only 43 acres, not substantial enough to consider a master plan area and did not have a second entrance to the development via either Hobsons Lake Drive or St Margarets Bay Road.

Today, all of these above factors that shaped the existing Lovett Lake DA are now substantially different and the opportunity to create a more desirable and regionally integrated community exists. The changes are as follows:

1. The new trunk sewer to the Halifax Harbour Solutions Wastewater Treatment Plant has resolved the sewer capacity limitation in the area.

2. Armco has firm plans for the Hobsons Lake Drive lands, as office and retail. Industrial uses are not proposed. Armco is prepared to rezone this land to eliminate industrial uses if required. Armco and Banc Developments have agreed to cooperate on the sewage pumping station and active transportation routes from the Hobson Lake Drive lands to the Bayer's Lake Northwest Corner lands.
3. The total land area has increased from 43 acres to 58.8 and when we include the Armco Phase 5 Bayers Lake area where the rezoning is proposed, the total area is 86.8 acres. Transportation connections can be made to Hobsons Lake Drive and to alternate locations on St Margarets Bay Road.
4. The area has been identified as a growth centre in the updated RMPS.

The MPS identifies the need for a greater range of commercial development services. The following is taken from page 9 of the MPS General Issues, Commercial Development.

"As is the case in most suburban communities, there is a need for a greater range of commercial development and services in order to meet the demands of a growing population. Providing for a greater range of goods and services may be accomplished without increasing strip development along Highway 3 by creating a major commercial focus as well as providing for the development of minor commercial areas to conveniently meet the needs of local residents in the three distinct communities."

In proceeding with a plan amendment we would propose to address the above community needs as follows:

1. The proposed development would be a mixed use project with residential, office, and retail, also the development would include a connection to the existing Bayers Lake retail area.
2. The plan would include full construction of an active transportation connection from St. Margarets Bay Road to the existing COLTA Trail, along with a trailhead (parking and picnic area) along St. Margarets Bay Road. This will provide a valuable connection to the trail for the Beechville residents.
3. The proposed concept will include a range of housing types from single family dwelling, semidetached, townhouses, and multi-unit residential buildings (condo and/or apartments).

The proposed density is consistent with other master plan areas and it is this increase in density that enables the developer to provide the amenities above and beyond those that would be available under the approved DA structure. This area has also been identified as a growth centre under the RMPS.

In the opinion of the team working on the project (Armco, Ekistics, and DesignPoint), an amendment to the MPS permitting an alternate unit mix (UR-11, (d)), additional local commercial uses (p. 54), and increased density in the development (p.13) would be appropriate for the subject property, and would more effectively meet the goals of the Regional Plan.

The new Regional Plan promotes growth and density in the region. Several recent higher density development proposals in the Fairview, Clayton Park and Bedford areas have received positive feedback due to their proximity to commercial nodes, access to parks and adequate capacity in existing infrastructure with respect to traffic and sanitary services. Like these proposals, the Lovett Lake lands are located outside the Urban Centre, but within the Suburban Centre of the Halifax region where more modest densities have historically been considered.

The Lovett Lake lands are very well suited for a higher density form of development due to its proximity to Bayers Lake commercial nodes, access to two major highways and its connection to the Chain of

Lakes trail system. The subject property is 15 minutes outside of Halifax's downtown core and located on two major transit routes with direct service to the downtown area. Multiple unit developments along the Bayers Lake border provide an ideal transition from the commercial/industrial lands in Bayers Lake to the lower density residential development on the remainder of the Lovett Lake lands. The proposed amendments also provide a second public street access to the development from St. Margarets Bay Road. Further, the connection to the Chain of Lakes trail system affords residents the opportunity for passive and active recreation uses. An increase in density would serve to benefit the existing residents of the Beechville, Lakeside, and Timberlea area by attracting new business and private investment to the area creating a livable and vibrant community.

The Timberlea, Lakeside, Beechville MPS identifies a population density of 17 persons per acre (ppa) as follows:

"Full municipal water and sewer services were available in the communities during the summer of 1983. Excluding the area of the Industrial Park, central municipal services can accommodate a population density of 17 persons per acre (ppa). This 17 ppa remains a modest population density for suburban residential development." (Timberlea/Lakeside/Beechville MPS – page 13).

The target density is based on water and sewer capacity in 1983. Since the adoption of this plan, the Lakeside Pump Station Diversion project has been completed.

The MPS also identifies a ratio of low density (single unit) housing to higher density housing of 70:30 as a general target for an overall housing mix in the Plan Area (Timberlea/Lakeside/Beechville MPS – page 48). This general target is decreased in Comprehensive Development districts to a proportion of fifty percent low density (single family) housing (Timberlea/Lakeside/Beechville MPS – page 54). Because the proposed development site is adjacent to existing commercial and industrial uses, it is appropriate to allow for a further decreased ratio of low density housing. Multiple unit development is an appropriate form to transition from commercial/industrial uses to low density residential. The general housing mix targets identified in the MPS are also not official MPS policy. Adjustments to these targets are enabled through a development agreement.

Multiple unit dwellings are identified in the MPS and can only be considered as part of a comprehensive development district. The MPS notes that construction of apartment buildings in the past have given rise to concerns by the community relative to increased traffic on the St. Margarets Bay Road (Timberlea/Lakeside/Beechville MPS – page 51). HRM and NSTIR have finalized a traffic study of the existing infrastructure based on increased residential and commercial density in Bayers Lake and surrounding areas, including the proposal for the subject property. Recommendations from this study and our traffic study will address the infrastructure requirements to support the anticipated build out.

The proposed development also allows for the inclusion of access to Lovett Lake with developed trails and with the increase in density, additional amenities along the lake can be developed. See MPS page 40:

"Through the municipal planning process specific recreation priorities, including potential sites for parks and other recreation facilities have been identified. Local residents have expressed their desire to see provision made for community access to water frontage, particularly on Fraser, Governor and Lovett Lakes. Similarly, the west end of Governor Lake and the northern end of Otter Lake have been identified as potential areas for a community park where outdoor recreation facilities could be developed. (RC-Jul 4/00; E-Aug 5/00)."

Closing

The Lovett Lake lands are in an excellent location for residential growth. Because of its location on an arterial road, near a highway interchange, and being adjacent to the very popular COLTA/BLT trail, the Lovett Lake lands are very appropriate for higher density development and could positively add to the community fabric of Timberlea, Lakeside, and Beechville. Higher density in this location will serve to benefit the broader community by attracting new business and community amenities. These factors as well as its close proximity to office space, retail, and residential make it significantly different from the other areas of Timberlea/Lakeside/Beechville, and as such, establishing an appropriate density and land use mix is key in making the lands viable for development.

We look forward to working with you on this interesting project. Please do not hesitate to contact me if you require additional information.

Thank you,

DesignPoint Engineering & Surveying Ltd.

Original Signed


Glenn Woodford, P.Eng.
Senior Engineer & Principal

cc: Adam McLean, Armco
Laura Masching, Armco
Ryan Barkhouse, Armco
Rob LeBlanc, Ekistics

Enclosures:
Concept Plan
Village Green examples



P:\2015\15-021 Lovett Lake Estates\01 Drawing\15-021 Lovett Lake Estates.dwg 2017-01-11 11:52:23 PM 15-021 Lovett Lake Estates.dwg 1:5000

 <p>DESIGN POINT ENGINEERING & SURVEYING</p>	<p>LOVETT LAKE</p> <p>BEECHVILLE, NOVA SCOTIA</p>
CONSULTANT	PROJECT DESCRIPTION
DATE	
JAN 26, 2017	
PROJECT NO.	
15-021	
SCALE	
1:5000	

LEGEND	
PROPERTY BOUNDARY	—
SINGLE FAMILY	■
TOWNHOUSE	■
SEMI-DETACHED	■
MULTI UNIT	■
PARK	■

Attachment C

Policy Review: Regional Municipal Planning Strategy

The Regional Municipal Planning Strategy (Regional Plan) guides growth in the Municipality. While all relevant policies and objectives will be considered, staff have identified these policies as most important for developing new communities in Urban Local Growth Centres, such as the Lovett Lake area of Beechville.

Regional Plan Objectives/ Policy	Staff Comments
<p>Section 3.1 - Settlement Objectives 1. Direct growth so as to balance property rights and life-style opportunities with responsible fiscal and environmental management;</p>	<p>The Lovett Lake subject site is within an identified growth area under the Regional Plan.</p>
<p>2. Target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan;</p>	<p>The subject site is designated Urban Settlement under the Regional Plan, but is not inside the Regional Centre.</p>
<p>3. Focus new growth in centres where supporting services and infrastructure are already available;</p>	<p>There is existing wastewater sewer capacity on site; some new streets will need to be constructed at the subject site.</p>
<p>4. Design communities that:</p> <ul style="list-style-type: none"> (a) are attractive, healthy places to live and have access to the goods, services and facilities needed by residents and support complete neighbourhoods as described in 6.2.2 (v) of this Plan; (b) are accessible to all mobility needs and are well connected with other communities; (c) promote energy efficiency and sustainable design; (d) protect neighbourhood stability and support neighbourhood revitalization; (e) preserve significant environmental and cultural features; (f) promote community food security; (g) provide housing opportunities for a range of social and economic needs and promote aging in place; 	<p>The proposed amendment process will create Municipal Plan policy based on these and other Regional Plan objectives.</p>
<p>5. Maintain the character of rural communities;</p>	<p>Not applicable.</p>
<p>6. Preserve agricultural and resource lands;</p>	<p>Not applicable.</p>

<p>7. Provide opportunities to establish a network of interconnected greenbelts and open spaces;</p>	<p>The subject site is adjacent to the Chain of Lakes Trail; the subject site is designated for urban development.</p>
<p>8. Support housing affordability.</p>	<p>The subject site could provide a mix of housing types to support affordability.</p>
<p>Section 3.2.1 Policy S-1: The Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of this Plan.</p>	<p>The subject site is within the Urban Settlement designation</p>
<p>Section 3.3 Policy S-9: HRM shall prepare secondary planning strategies for the centres outlined in Tables 3-1 and 3-2 and generally illustrated on Map 1 with consideration given to:</p> <ul style="list-style-type: none"> a) the objectives presented in section 3.1 and the general characteristics presented in Tables 3-1 and 3-2; b) the specific boundaries, population targets and detailed design policies related to the layout of the centres, range of permitted uses and criteria for conversion of uses, allowable development densities and mechanisms for implementation; c) the recommendations of any plans and studies identified by this Plan that have been accepted or endorsed by Regional Council; and d) any other relevant objectives and policies of this Plan. 	<p>1) The subject site is identified as an Urban Local Growth Centre in Table 3.1. However, land within and surrounding this growth centre is mostly developed or planned. Undeveloped land near the Timberlea Village Parkway is being built out as Brunello Estates, under area specific policy and the development agreement process. Most other land between Highway 103 and St. Margarets Bay Road is Crown land, and unlikely to be developed soon. Land north of Governor’s Lake is also undeveloped. Allowing more development at Lovett Lake would not affect the planning of further development in other parts of the growth centre, nor would it prevent a Secondary Plan in the future.</p> <p>2) Many Secondary Plans have been for large tracts of land that need large infrastructure, like highway interchanges or large arterial roads. The subject site and study area are smaller areas in comparison, which may not require the same type of large infrastructure.</p> <p>3) Section 232 (2) of the Halifax Charter states “The adoption of a municipal planning strategy does not commit the Council to undertake any of the projects suggested in it.” Policy S-9 outlines a number of planning projects the Municipality would like to undertake; this list does not require the Municipality to undertake these plans, nor does it prevent Council from amending Municipal Plans without first creating a Secondary Plan.</p>

Table 3-1: Future Characteristics of Urban Settlement Growth Centres

Centre Type	Centre Name	Land Uses and Design	Transit, AT and Parking	Open Space	Cultural Heritage
Urban Local Growth Centre	Herring Cove Lakeside/Beechville Timberlea Village Clayton Park West Birch Cove Kearney Lake Bedford Mill Cove Lower Sackville Main Street Middle Sackville Morris Lake North Westphal Cole Harbour Eastern Passage	<ul style="list-style-type: none"> • Mix of low, medium and high density residential, small office, small institutional and convenience commercial uses • In established residential neighbourhoods, low to medium density residential uses • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • Pedestrian oriented facades 	<ul style="list-style-type: none"> • Transit to connect to other centres and Regional Centre • Pedestrian oriented transit stops • Enhanced pedestrian linkages • Street, or rear yard parking wherever possible • Access to AT routes • Short interconnected blocks for ease of walkability 	<ul style="list-style-type: none"> • Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Provisions for food security 	<ul style="list-style-type: none"> • Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors

Staff Comments: The subject site, near Lovett Lake, is within the Lakeside/ Beechville Urban Local Growth Centre. The proposed planning process will create new Municipal Plan policy to implement the characteristics in Table 3-1.

Regional Plan Objectives/ Policy	Staff Comments
<p>Section 2.1 - Environment, Energy and Climate Change Objectives</p> <p>3. Adopt development practices that sustain air, land, water and groundwater resources;</p>	<p>New Municipal Plan policy will consider all relevant policies and objectives.</p>
<p>Section 2.4 – Watershed Planning</p> <p>Policy E-23 E-23 HRM shall undertake watershed or sub-watershed studies concerning natural watercourses prior to undertaking secondary planning strategies in areas where new or additional development could adversely affect watercourses within the watershed.</p>	<p>Although staff is not recommending a full secondary plan, the intent of this policy should be upheld by requiring analysis of the potential impacts on Lovett Lake and any other impacted water bodies, and by requiring a stormwater management plan.</p>

<p>Section 4.1 - Transportation and Mobility Objectives</p> <p>2. Promote land settlement patterns and urban design approaches that support fiscally and environmentally sustainable transportation modes;</p>	<p>The applicant will be responsible for a transportation study that considers all transportation modes.</p>
<p>4. Design complete streets for all ages, abilities, and modes of travel;</p>	<p>New Municipal Plan policy will consider street design and layout.</p>

<p>Section 7.1 - Culture and Heritage Resources Objectives</p> <p>1. Preserve cultural and heritage resources in HRM and develop policies, programs and regulations to protect and enhance them;</p>	<p>The Beechville Baptist Church is next to the subject site, along with a burial ground and an important baptismal path from the church to Lovett Lake.</p>
<p>2. Promote cultural and heritage considerations in HRM's broader planning and municipal decision making processes</p>	<p>New Municipal Plan policy will consider the cultural importance of the site and surroundings.</p>

<p>Section 7.4 Development Abutting Registered Heritage Properties</p> <p>Policy CH-16 For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties ...</p>	<p>New Municipal Plan policy will consider the adjacent Beechville Baptist Church, a registered heritage property.</p>
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<p>Section 8.1 - Municipal Water Services, Utilities and Solid Waste Objectives</p> <p>1. Coordinate municipal initiatives with the Halifax Regional Water Commission (Halifax Water) to:</p> <ul style="list-style-type: none"> (a) provide water, wastewater and stormwater services in a cost-effective manner; (b) recoup growth related costs from benefitting property owners; and (c) reduce degradation to the natural environment. 	<p>The applicant will need to provide servicing studies to the satisfaction of Halifax Water and the Municipality.</p>
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<p>2. Manage growth to make the best use of existing water, wastewater and stormwater infrastructure and avoid unnecessary or premature expenditures;</p>	<p>The subject site is within the Urban Service Area.</p>
<p>Section 8.3 – Water, Wastewater and Stormwater Services: Planning for Growth in Serviced Area.</p> <p>Policy SU-5 Within the Urban Service Area, where a new Secondary Planning Strategy or an amendment to an existing Secondary Planning Strategy is proposed to accommodate future growth, no approval shall be granted unless:</p> <p>(a) a by-law has been established or is proposed concurrently to pay for growth related municipal infrastructure or HRM has determined that a by-law is not warranted; and</p> <p>(b) a charge needed to pay for growth related improvements to the water, wastewater or stormwater services has been, where required, been approved by the Review Board.</p> <p>The applicant will need to provide servicing studies to the satisfaction of Halifax Water and the Municipality.</p>	<p>Although staff is not recommending a full secondary plan, the intent of the infrastructure charge policy should be considered as part of the process outlined in this report.</p>

Attachment D

Policy Review: Municipal Planning Strategy for Timberlea/ Lakeside/ Beechville

The Municipal Planning Strategy guides growth in the Plan Area. While all relevant policies and objectives will be considered, staff have identified these Municipal Plan polices as most important for developing new communities.

Municipal Planning Strategy Policy	Staff Comments
<p>Section III Land Use Intent Preamble (pg. 46)</p> <p>The Urban Residential Designation recognizes the Plan Area's established communities and constitutes the priority area for continued residential development. The designation is intended to protect established low density residential development which consists primarily of single and two unit dwellings and mobile homes. The designation also permits compatible institutional uses which support a more diverse residential environment. The designation also encourages a mix of housing types and other compatible institutional uses within the undeveloped portions of the designation. (pg. 46)</p>	<p>The subject site is currently designated Urban Residential; the applicant is looking to amend the Municipal Plan to allow more high density housing than is now permitted in the Urban Residential designation.</p>
<p>Section III Urban Residential Designation Preamble (pg. 48)</p> <p>The Urban Residential Designation is intended to recognize the importance of the low density environment and complementary community uses, while acknowledging the need for an eventual housing mix which meets the housing needs of all Plan Area residents.</p> <p>New apartment buildings will only be considered as part of a comprehensive development district.</p> <p>Policy UR-1: The [Urban Residential] Designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.</p>	<p>The existing Municipal Plan recognizes there may eventually be a need for a different housing mix (i.e. more multi-unit development).</p> <p>The subject site is currently zoned Comprehensive Development District. The Municipal Plan has identified this as a potential location for multi-unit buildings.</p> <p>The Municipal Plan has identified the subject site as a priority area for continued residential development.</p>

Section III

Comprehensive Development Districts

Preamble (pg. 54)

In return for the greater degree of control afforded by comprehensive development districts, it is appropriate to allow for consideration of a decreased proportion of fifty percent low density (single unit) housing to be established as a general housing mix target when considering specific development agreements.

Comprehensive Development Districts

Policy UR-12: ... development of any [comprehensive development] district shall only be considered by Council through a development agreement or agreements which shall specify;

(a) the types of land uses to be included in the development;

(b) the general phasing of the development relative to the distribution of specific housing types or other uses;

(c) the distribution and function of proposed public lands;

(d) any specific land use elements which characterize the development;

(e) that new multiple unit dwellings have direct access to a major collector road as identified subject to the provisions of Policy TR-3. (emphasis added)

(f) that industrial and general commercial uses be excluded;

(g) matters relating to the provisions of central sewer and water services to the development;

(h) provisions made for the proper handling of storm water and general drainage within and from the development; and

(i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.

Comprehensive Development Districts

Policy UR-13: ... where any comprehensive development district is proposed to include a general commercial component, the development of the district shall only be considered by Council through a development agreement or agreements which shall specify:

(a) that the total development have a minimum of one hundred (100) acres;

Staff Comments

The applicant is proposing over 90% of units in two-unit houses, townhouses and multi-unit buildings. This is higher than allowed under Municipal Plan, which is a reason that the applicant is requesting an amendment.

The main street in the application does not appear to meet the definition of a major collector road. This is another reason why the applicant is requesting a Municipal Plan amendment.

The potential Municipal Plan amendments should consider all of the matters laid out in this Policy.


The applicant is proposing general commercial uses, but the subject site is less than 100 acres in size. Policy UR-13 is one reason why the applicant is requesting a Municipal Plan amendment.

Attachment E Study Area



Attachment E - Study Area

Lovett Lake
Beechville

 Study Area

Timberlea/Lakeside/Beechville
By-Law Area

HALIFAX



The accuracy of any representation on
this plan is not guaranteed.

Attachment F: Proposed Public Participation Program and Planning Process

Recommended Public Participation Program for Secondary Municipal Planning Strategy Amendments for Lands Located near Lovett Lake in Beechville (Case 20226)

Purpose: To obtain input from nearby residents and community groups about possible amendments to the Secondary Municipal Planning Strategy (SMPS) and the Land Use By-law (LUB) for Timberlea / Lakeside / Beechville and for Halifax. Staff will work with the HRM African Nova Scotian Affairs Integration Office (ANSAIO) to ensure the Municipality engages the African Nova Scotian community in Beechville. The process will consider the creation of a comprehensive set of planning policies and land use regulations for land in Beechville near Lovett Lake, and for land in Bayer's Lake Business Park, as shown in Attachment E of this report. The process will aim to establish policy consistent with the Regional Municipal Planning Strategy's characteristics for Urban Local Growth Centres, for consideration by Regional Council. This proposed process is the minimum engagement that the Municipality will conduct; the engagement plan may be modified after consulting with ANSAIO.

Jurisdiction: Amendments to the SMPS and the LUB to enable a development with more high-density housing will affect the local community. Amendments will require a public hearing prior to Regional Council considering their approval. All amendments to the SMPS are within the sole jurisdiction of Regional Council, but Halifax and West Community Council shall review any amendments and provide recommendations to Regional Council. Halifax and West Community Council has jurisdiction over the existing Development Agreement on the subject site.

Process: A program for public engagement is required under the *HRM Charter* to allow community input on any SMPS and Land Use By-law amendments. At a minimum, the proposed process for Case 20226 includes:

Phase 1 Public Participation

- Before the applicant completes any technical studies, staff will host a public information meeting in the community to present the process. The applicant will present their proposal and answer any questions about the project.
- After the applicant has completed all necessary technical studies, and following the review of these studies by the Municipality and other applicable agencies, staff will host a second public meeting in the community to: present the findings of technical studies; to receive feedback and answer questions; and to discuss planning goals and principles for the subject site and study area.
- Following the second public meeting, staff will present the findings to Council.

Phase 2 Public Participation

- Following the Council update, staff will draft potential SMPS and Land Use By-law amendments, and will then host a third public meeting to review, discuss, and receive public feedback on the potential amendments.

Staff will meet with ANSAIO at the outset of the engagement process, to identify appropriate alternative or additional mechanisms for engaging with the African NS community in Beechville.

HRM will post proposal details, technical studies, and the record of the community engagement process on the halifax.ca website. HRM will invite nearby property owners and residents to public meetings, by regular mail at a minimum. HRM will invite public comment via mail submissions, online submissions, and by email.

Recommended Planning Process for Municipal Planning Strategy Amendments for Lands Located near Lovett Lake in Beechville (Case 20226)

Phase 1 – A review of the study area which may include, at a minimum:

- community engagement;
- an updated traffic impact study and transportation analysis that considers site access for people using all modes of transportation;
- updated studies on piped services, as required by Halifax Water and the Municipality;
- finding an appropriate density and mix of land uses;
- an analysis of potential environmental impacts on Lovett Lake and any other impacted water bodies, including a wetland study and an analysis of available water monitoring data;
- recommended stormwater management goals and approach.

Additional studies may be required, based on the findings of Phase 1. At the end of Phase 1, staff will present the findings of background studies and engagement to Council.

Phase 2 – Following Phase 1, staff would begin to draft Municipal Plan policy and Land Use By-law regulations within the study area. This work will be based on the public participation program and studies that were part of Phase 1. This policy would be consistent with the Regional Plan's characteristics for Urban Local Growth Centres. Policy will aim to address a number of factors, which may include:

- lot sizes, building heights and appropriate density;
- appropriate land uses;
- appropriate heritage considerations;
- building design and urban design;
- transportation options, including walking, cycling, transit and street connections;
- phasing of development, based on servicing capacity and transportation impacts;
- parks, natural areas and buffers for water bodies;
- detailed infrastructure planning; and,
- stormwater management best management practices and standards for the quality and quantity of run-off generated by development.

There is an existing Development Agreement on the subject site. This Agreement is under the jurisdiction of Halifax and West Community Council. The Development Agreement may be modified or discharged as part of Phase 2.

Attachment G – Legislative Authority

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

- 214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

- 219 (1)** The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2)** The Council may adopt different public participation programs for different types of planning documents.
- (3)** The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.
- 220 (1)** The Council shall adopt, by by-law, planning documents.
- (4)** The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

- 228** The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
 - (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
 - (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
 - (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

- 229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:
- (a) the goals and objectives of the Municipality for its future;
 - (b) the physical, economic and social environment of the Municipality;
 - (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.

- (2) A land-use by-law must
 - (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.

- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

- (4) A land-use by-law may
 - (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.

- (5) Where a municipal planning strategy so provides, a land-use by-law may
 - (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the

Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
- (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.