

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.6
Halifax Regional Council
February 13, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: January 23, 2018

SUBJECT: **Case 20936: MPS/LUB Amendments and Development Agreement for Long Lake Village, at Cowie Hill Road and Northwest Arm Drive, Halifax**

ORIGIN

Application by Polycorp LLV Inc. and RV Atlantic Holdings Ltd.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to allow changes to the required amount of land area and unit mix for certain apartment sites within the Long Lake Village development, at Cowie Hill Road and Northwest Arm Drive, Halifax, by development agreement; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

Long Lake Village is a mixed-residential development on approximately 35 acres in the Mainland South area as shown on Maps 1 and 2. Polycorp LLV Inc. and RV Atlantic Holdings Ltd. have applied to amend the Halifax Municipal Planning Strategy (MPS), Halifax Mainland Land Use By-law (LUB) and an existing development agreement to accommodate changes to the latter stages of this development.

The major components of the proposal include an increase to the maximum land area to be used for apartment buildings within the development and a request for changes to the apartment unit type mix for a proposed mixed use building on Lot N3A.

These components of the application cannot be considered under the existing Municipal Planning Strategy (MPS) and existing development agreement. Therefore, an MPS amendment, associated changes to the land use bylaw and an amendment to the development agreement are required (Attachment A).

In addition to these items, the applicants have also proposed changes to the existing development agreement which can be considered without amending the existing MPS.

Subject Site	Lots N1, N2 and N3A, at Cowie Hill Road and Northwest Arm Drive
Location	Long Lake Village subdivision, Halifax Mainland South
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential Development District (RDD), Mainland South Secondary Planning Strategy, Halifax MPS
Zoning (Map 2)	RDD (Residential Development District) zone, Halifax Mainland LUB
Size of Site	2.4 hectares (5.9 acres) combined
Street Frontage	454.5 meters (1,490 feet) combined
Current Land Use(s)	1 apartment building under construction, 2 vacant land parcels
Surrounding Use(s)	North: Halifax Water lands, single unit dwellings and townhouses in Long Lake Village, and townhouses on Ridge Valley Road West: Long Lake Provincial Park lands South: A mix of residential uses, and Long Lake park East: A mix of residential uses, and undeveloped land in Long Lake Village

Existing Development Agreement

The development agreement for Long Lake Village (formerly called "Rockcliffe Village") was approved by the former Chebucto Community Council on July 6, 2009. The agreement generally allows for:

- the subdivision of land within the agreement area;
- single unit dwellings, townhouses, and apartment buildings;
- one commercial building;
- two neighbourhood park parcels and conservation land via the extension of Cowie Hill Road to Northwest Arm Drive; and
- the construction of two local streets.

The original development agreement has been amended multiple times, most recently to allow for a minor increase in the overall population density. Council should also note the agreement was amended to remove the requirement for a mandatory unit type mix for apartment buildings on lots N1 and N2.

Lots N1, N2 and N3A have been subdivided in accordance with the existing development agreement. A Construction Permit has been issued for apartments on Lot N1 and a development permit has been granted for apartments on Lot N2.

Proposal Details

The applicant proposes to amend the Halifax MPS and LUB as follows:

- to allow an increase in the maximum land area for apartment uses in the overall RDD from 15% to approximately 17.5%. This would allow apartment uses presently allowed on Lots N1 and N2 to be extended to Lot N3A which was originally intended for commercial use; and,
- to allow for a single predominant apartment unit type on each of the apartment sites including Lot N3A, as opposed to providing “*an emphasis on a mix of dwelling unit types*” (including family-type units) as referenced in the MPS. This will result in all or most apartment unit types being smaller units with contemporary amenities and storage spaces typically offered in larger units. This absence of a mandatory unit mix is currently permitted on Lots N1 and N2. The proposed amendments would extend the same conditions to Lot N3A, resulting in a greater number of apartment units overall without exceeding the maximum permitted density.

The major change to the land use as permitted in the development agreement resulting from the requested MPS amendments is as follows:

- Lot N3A would change from a 2-storey, 4,000 sq. foot commercial building to a 6-storey mixed-use building containing approximately 6,250 square feet of commercial uses and approximately 55 residential units.

Additional proposed changes to the development agreement which are enabled under existing MPS policies, and which will be included as part of the public engagement process include:

- Allowing commercial uses on the ground floor of buildings on Lots N1 and N2;
- Reducing the parking space dimensions for a portion of the required parking spaces on all apartment sites to account for small vehicles;
- Clarification of building heights in terms of number of storeys and in relation to structured parking levels;
- Clarification of the design treatment of blank foundation walls;
- Removal of requirement for building height/ setbacks (“angle controls”) from North West Arm Drive; and
- An extension to the date of completion of the development.

MPS and LUB Context

The subject site is located within the Mainland South Secondary Planning Strategy (Section X) of the Halifax MPS and is designated and zoned as Residential Development District (RDD). This designation encourages comprehensively planned residential and mixed-use development by agreement (Attachments B and C).

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendment(s):

- Similar amendments to the MPS to allow for a greater percentage of apartment uses and a lesser mix of unit types have been previously approved, including Regatta Point, Melville Ridge and the former BC Silver school developments;
- The proposed mixed-use building on lot N3A provides a better planning approach than the commercial building under the existing agreement; and
- Proposed unit types are smaller, more affordable, and there is less supply and greater market demand for these types of smaller units with amenities.

Attachment A contains the applicant's letter explaining their rationale.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses, and advise that there is merit to the request, for the following reasons:

- The proposed increase in the percentage of land devoted to apartment use is relatively minor;
- While the project as proposed would not contain a mix of apartment unit types, the overall development does contain a mix of residential uses in the immediate area, including single unit dwellings, townhouses and apartments;
- Demand for traditional family-type units has changed over time, due to the changing nature and size of families and housing affordability issues; and
- The proposed smaller unit type with contemporary amenities and storage spaces offers an affordable alternative which is relatively unique in the Halifax suburban market.

In this instance, it is reasonable to consider new policy to allow for an increase in the percentage of land area devoted to multi-unit residential uses and to allow for one predominant apartment unit type on all apartment sites within the Long Lake Village development.

Conclusion

Staff have reviewed the proposed MPS amendment rationale and advise that there is merit to warrant proceeding with the request. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS 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 which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

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

Amendments to the Halifax MPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, and business owners.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017/18 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No material environmental implications are associated with the proposed amendments.

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 MPS amendment process. A decision of Council not to initiate a process to consider amending the Halifax Municipal Planning Strategy is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

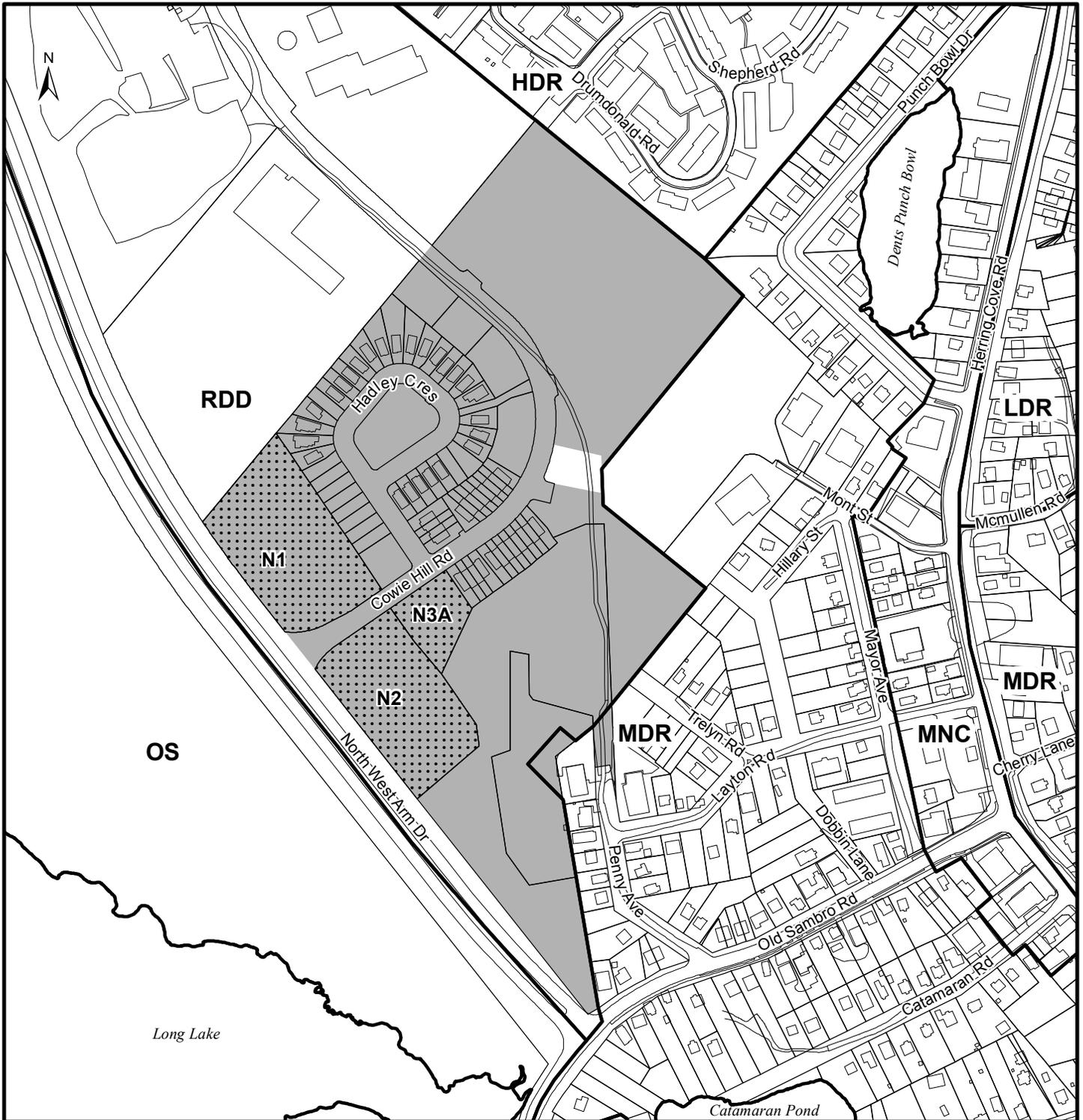
Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Applicant Letter of Rationale
Attachment B:	Excerpts from the Halifax Municipal Planning Strategy
Attachment C:	Excerpts from the Halifax Mainland Land Use By-law

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Sampson, Planner II, 902.490.6259

Report Approved by: Original Signed
Steven Higgins, Acting Manager, Current Planning, 902.490.4382

Report Approved by: Original Signed
Kelly Denty, Acting Director, Planning and Development, 902.490.4800



Map 1 - Generalized Future Land Use

Long Lake Village
Halifax

HALIFAX

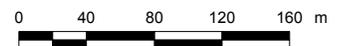
Area of Existing Development Agreement

Areas Impacted by MPS and DA Amendments

Halifax Plan Area
Mainland South Secondary Plan Area

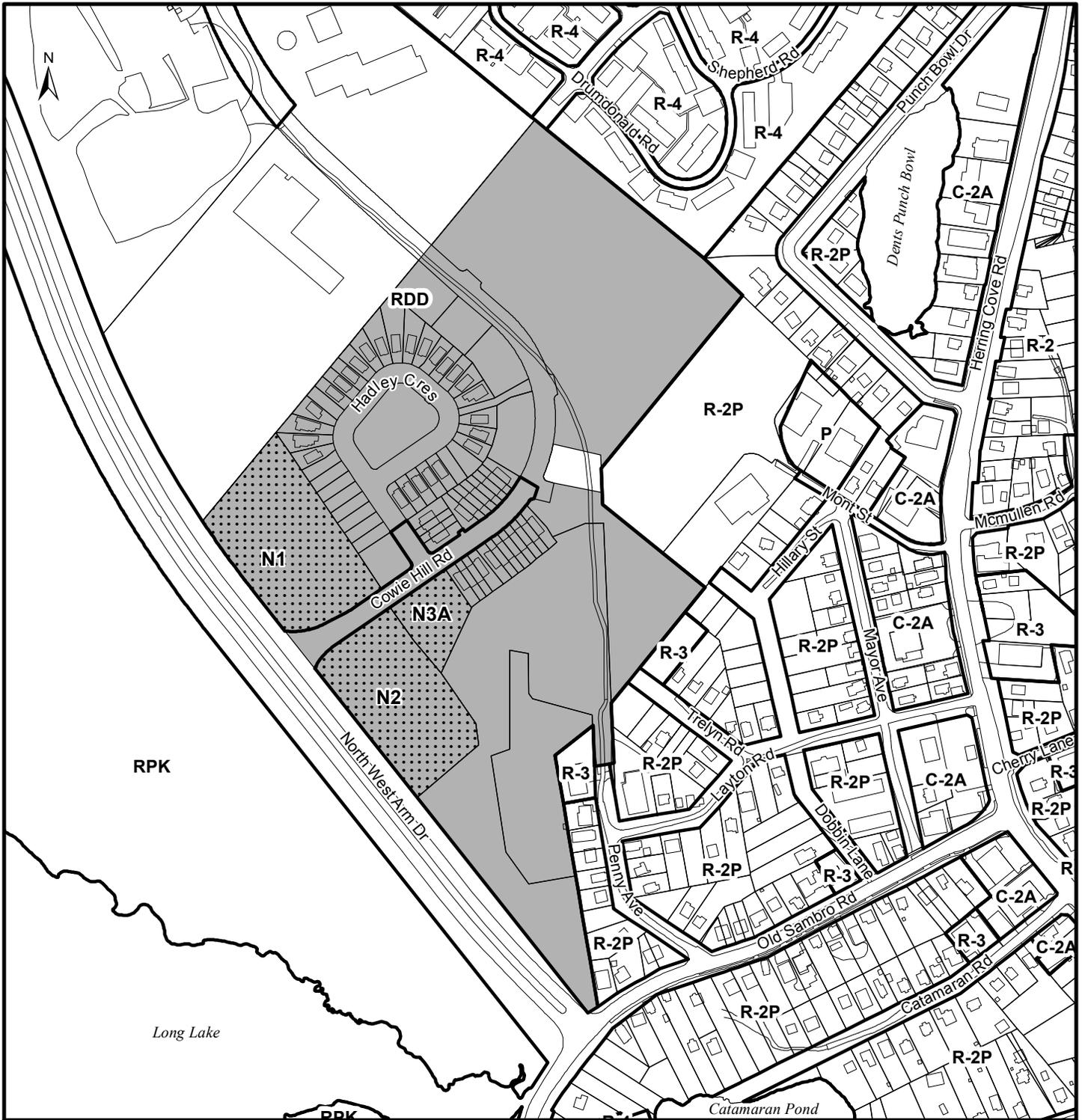
Designation

- LDR Low Density Residential (Mainland South)
- MDR Medium Density Residential (Mainland South)
- HDR High Density Residential (Mainland South)
- RDD Residential Development District (Mainland South)
- MNC Minor Commercial (Mainland South)
- OS Major Community Open Spaces (Halifax)



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

Long Lake Village
Halifax

 Area of Existing Development Agreement

 Areas Impacted by MPS and DA Amendments

Halifax Mainland
Land Use By-Law Area

Zone

- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RDD Residential Development District
- C-2A Minor Commercial
- P Park and Institutional
- RPK Regional Park

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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.



PAUL SAMPSON, MCIP LPP
PLANNER II – URBAN ENABLED APPLICATIONS
PLANNING & DEVELOPMENT | CURRENT PLANNING
40 ALDERNEY DR., 2ND FLOOR (ALDERNEY GATE)

HALIFAX
PO BOX 1749
HALIFAX NS B3J 3A5
T. 902.490.6259
halifax.ca

sent via email

Paul

Thanks to you and Steve Higgins for taking the time to meet with myself and David Graham on January 5th to discuss the MPS amendment proposed for the Long Lake Village project. I would like to provide this letter as a formal request and clarification/rationale for the MPS amendments detailing the following two key issues that we discussed previously which are required to facilitate the change of Lot N3A from a small commercial building to a vibrant mixed use residential/commercial complex.

Request # 1 – Deletion of the 15% maximum land area used for “apartment uses” in RDD zone
In the Halifax Mainland South Municipal Planning Strategy, Schedule I **GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT**, paragraph 5 of the “Site Development Guidelines” states :

“ no more than 15% of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping”

As you know, there is a difference of opinion regarding the semantics of the MPS pertaining to the mathematics of how the 15% ratio is to be calculated in the Mainland South RDD zone. Our view is that the wording of the MPS is clear in that it does not to use the entire lot area, but rather looks to the specific use of portions of the lots that are specifically listed in the above sentence to be included in calculations. To further confuse things further, the multi-unit buildings at Long Lake Village are all proposed to have some amount of commercial space, including some ancillary surface parking for the commercial space. This compounds the dynamics of the interpretation of how to perform the calculation. Our version of the mathematics yields a number of approximately 12% of the overall land use as being for “apartment uses”, while HRM’s math using “total lot areas” calculates between 17% and 18%, slightly exceeding the 15% limit, but not by a material amount – but an exceedance, nonetheless. Rather than ongoing discussions and debates about interpretation methods, we are looking to modify or delete altogether this requirement in order to facilitate the change of Lot N3 from a “commercial only” to a “mixed use” building.

It goes without saying that everyone would agree that the conversion of Lot N3A to a mixed use building is a far superior planning approach to the existing development agreement terms. A mixed use building on Lot N3A will provide a more feasible way to allow the market to respond to the growing community’s requirements for a commercial space than the current approvals which provide for a “commercial only” structure. Unfortunately, Halifax Planning’s inclusion of the entire land area of Lot N3A as an “apartment use” is throwing the 15% ratio offside compared to the total lot area of the overall development.

There are at least two other large RDD zoned properties that have been developed in the Mainland South Planning area where there have been previous MPS amendments to remove or modify the 15% maximum for “apartment uses”. To clarify, “apartment uses” in the MPS speaks to the nature of the land use in terms of structure type and does not reference ownership, nature of tenure of the structures or property, nor legal status [e.g. freehold versus condominium units].

Policy 1.5.3, Melville Ridge development [runs between Herring Cove Road and Purcell’s Cove Road] (page 153) – allowed for both a higher percentage of land to be used for “apartment uses”, with the lands being developed for seniors housing and apartment uses, but it does include some commercial and health care offices as well.

Policies 1.5.4 and 1.5.5, Regatta Point - allowed for a higher percentage of land (up to 34%) devoted to apartment uses. Refer to 1.5.5.1 through 1.5.5.3.

Request # 2 – Clarification regarding a “mixture of residential uses”

We would request clarification that the requirement for a “mixture of residential uses” and “an emphasis on a mix of dwelling unit types” is to be applied on the overall RDD parcel, and is not to be applied within the individual building structures. Alternatively, the requirement could be deleted altogether based on Halifax Planning’s current knowledge of the final overall subdivision plan and development concept.

The Halifax Mainland South Land Use Bylaw, paragraph 28CI provides as follows :

“an apartment house which is located in the “Mainland South Area” shall be required to provide one two-bedroom unit for very three bachelor and/or one bedroom units”

As you know, the existing development agreement for the Long Lake Village project specifically exempts the multi-unit residential buildings from the normal Mainland South Land Use Bylaw requirement [above] that one in four suites be designed as two bedroom suites. This was done in the 2010 development agreement amendment which stated as follows :

“the unit mix requirements of Section 28CI of the Land Use Bylaw shall not apply”.

This exemption was created previously to permit the developer flexibility to increase the proportion of suites which are smaller with a lower deemed population density in the Long Lake Village project.

The rationale for this request is very simple :

We want to build less expensive, smaller housing units to provide a more affordable housing option to the marketplace.

There is a huge need in the market for more affordable housing stock, as Halifax Planning and Council knows well. The typical “suburban Halifax” [e.g. Larry Uteck Boulevard, Bedford South and Bedford West] multi-unit residential building is being designed and constructed with massive suites that typically range from 1200 square feet to 2000+ square feet. Our emphasis is on building smaller, more affordable suites for the market – both “condo for sale” and “apartment for rent” housing suites. There is a vast supply of larger family style suites available in the market place that offer larger, multi-bedroom options for households. Smaller suites designed for singles and couples – whether young singles/couples, empty nesters, or widows or widowers – are in very short supply. We need the clarification that it is permissible to construct multiple buildings in the Long Lake Village project with 100% of the suites being these smaller suites, which are categorized as “bachelor apartments” under the Land Use Bylaw.

A request for a single type of land use is not unique in the Mainland South area, as seen in Policy 1.5.7, which dealt with the former BC Silver School site (on page 157). This policy provided that there would only be one land use and unit type, instead of the normally prescribed a mix of household types. Policy 1.5.3, provided flexibility to the Melville Ridge development (at page 153) – while allowing for both a higher percentage of land for “apartment uses” also removed the requirement for a variety of housing unit types and sizes. Refer to policies 1.5.3.1 through 1.5.3.5; for details on these flexibilities provided at the Melville Ridge development.

We look forward to working with Halifax Planning to move this exciting project forward in the very near future.

Please contact me if questions, or if I can assist in any other ways.

Regards,

Peter

ORIGINAL SIGNED BY PETER POLLEY

P O L Y C O R P

Peter Polley

Office :

Cell :

Fax :

E-mail

web :

www.polycorp.ca

Mailing Address :

Courier Address :

Attachment B
Excerpts from the Halifax Municipal Planning Strategy

SECTION X - MAINLAND SOUTH SECONDARY PLANNING STRATEGY
OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

Objective: The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

- 1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.
- 1.5.1 Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.
- 1.5.3.5 For the area designated as "Residential Development District" known as Melville Ridge as shown on Map 1 of Schedule I, notwithstanding that the site is less than three acres and does not provide a mixture of residential uses nor a mix of dwelling unit types, the Municipality may, by development agreement pursuant to Schedule I, permit residential care and retirement facility on Lot 4 Ramsgate Lane. **(RC- Feb 19/08; E- March 29/08)**
- 1.5.4 For the area designated as "Residential Development District" known as Regatta Point as shown on Map 2, of Schedule I, notwithstanding that the site is less than three acres and will result in greater than 15% of the land being used for apartment uses, the City may, by development agreement, permit a maximum of four townhouses on lot RP-7 Spinnaker Drive and an apartment building containing a maximum of 48 units on lot RP-6 Purcell's Cove Road.
- 1.5.5.1 For the area designated as "Residential Development District" known as Regatta Point, as shown on Map 2 of Schedule I, notwithstanding that the site is less than three acres, does not provide a mixture of residential uses, and will result in greater than 15% of the land being used for apartment uses, the Municipality may, by development agreement, permit the consolidation of Lot RP-1 (PID 40396699) with Lot RP-2 (16 Anchor Drive; PID 40396681), and the expansion of the existing apartment building to a maximum of 118 units on the consolidated lot.
- 1.5.7 For the area designated as "Residential Development District" known as the former BC Silver School site as shown on Map 3 of Schedule I, notwithstanding that policy 1.5 calls for, "an emphasis on a mix of dwelling types," the Municipality may by development agreement pursuant to Schedule I, permit a subdivision of single detached dwellings with development specifications that differ from those of the R-1 and R-2 zones. (RC-Feb 19/08; E-Mar 29/08)

SCHEDULE I
GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

Uses Which May be Permitted

1. Residential Uses

2. Community Facilities
3. Institutional Uses
4. Neighbourhood Commercial Uses
5. Commercial Convenience Centres.

Site Development Guidelines

5. Residential

- a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.
- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.
- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.

Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space.
8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.
9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.
10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.
12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

General

13. The minimum required site size for a contract within this area shall be three acres.
14. Municipal infrastructure must be adequate to service any proposed development.

Attachment C
Excerpts from the Halifax Mainland Land Use By-law

RDD ZONE
RESIDENTIAL DEVELOPMENT DISTRICT ZONE

62A(1) The following uses shall be permitted in any RDD Zone:

- (a) R-1 and R-2 uses as hereinbefore set out;
- (b) Uses accessory to the foregoing.

R-1 AND R-2 USES IN RDD ZONE

62A(2) Buildings erected, altered or used for R-1 and R-2 uses in an RDD zone shall comply with the requirements of the R-1 and R-2 zones respectively.

62A(3) No person shall in any RDD zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection(1).

62A(4) No person shall in any RDD zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

62B(1) Notwithstanding any other provision of this by-law, Council may, by resolution, approve any specific development application pursuant to Policy 1.5.1 of Part II, Section X (Schedule I) of the Municipal Planning Strategy.

62B(2) Application for development agreements in any Residential Development District (RDD) shall include the following information:

- (i) a legal description of the total site proposed for development, to include present and proposed ownership;
- (ii) a development schedule to indicate the stages or phases of development from beginning to completion;
- (iii) total number and type of dwelling units, lot size, proposed lot coverages, approximate gross and net population densities, total amount of open space and usable open space, total amount of commercial and, where applicable, institutional facilities;
- (iv) site plan and supporting maps to describe existing topographic conditions including contours at 5 foot intervals, water courses or bodies, flood plains, wetlands, significant natural features and forest cover including the general location of trees 6 inches in diameter or greater, proposed lot lines, location and size of all existing and proposed buildings and structures including maximum heights, types of dwelling units, density per type, and non-residential structures;
- (v) the location and size of all areas to be dedicated or reserved as common open spaces, public parks, recreation areas, and other public uses; existing and proposed street circulation systems including parking and serviced areas, and major points of ingress and egress to the development; existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system; existing and proposed public utility system, and, where applicable, provide sanitary and water systems on and adjacent to the development site; and general schematic landscape plan indicating the treatment of private and public open spaces, information on areas adjacent to the proposed development to indicate the relationship to these areas, to

include land uses, zoning classifications, densities, circulation systems, public facilities and significant natural features and sensitive landscape.

(vi) any other information which may be required to evaluate the impact of the proposed development.