

HALIFAX

Public Hearing Case 21012

Development Agreement for corner of
Damascus Road and Duke Street,
Halifax

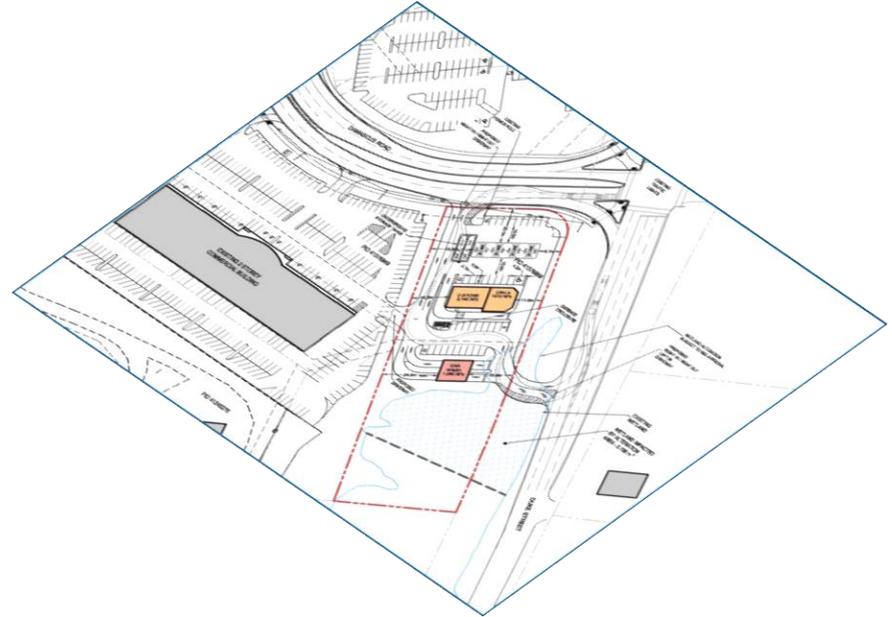
May 3, 2017

Applicant Proposal

Applicant: WSP on behalf of Hamton Holdings Limited

Location: Damascus Road and Duke Street

Proposal: reduce the environmental setback from 100 feet to 50 feet from a water retention area.



Site Context

Duke Street and Damascus Road, Bedford



General Site location

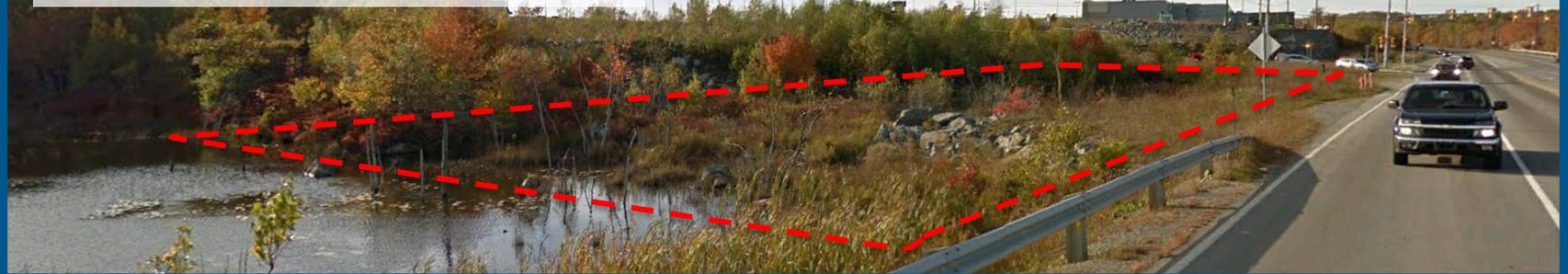


Site Boundaries in Red

Site Context

Damascus Road and Duke Street, Bedford

Looking Northwest along Duke Street



Looking Southeast from Damascus Road



Site Boundaries in Red

NS Environment - Wetland Alteration

- NS Environment (NSE) has approved a wetland alteration including underground storage chambers.
- NSE Rules supersede HRM regulations and policies.
- Impact: If a wetland is altered to be made suitable for development, that it is no longer a wetland

Land Use By-law

Bedford LUB



Map 2 - Zoning
Eastern Bedford Area

■ Lands Zoned (ILI)
Light Industrial

▤ Subject Site

▭ Plan Area Boundary

Bedford
Plan Area

Zone

Bedford	RSU	Single Unit Dwelling
	RTU	Two Unit Dwelling
	RMU	Multiple Dwelling Unit
	CGB	General Business District
	CSC	Shopping Centre
	CHWY	Highway Oriented Commercial
	CCDD	Commercial Comprehensive Development District
	ILI	Light Industrial
	IHI	Heavy Industrial
	SI	Institutional
	P	Park
	FW	Floodway
	UR	Urban Reserve

Sackville

BP Business Park

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0 100 200 300 400 m

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

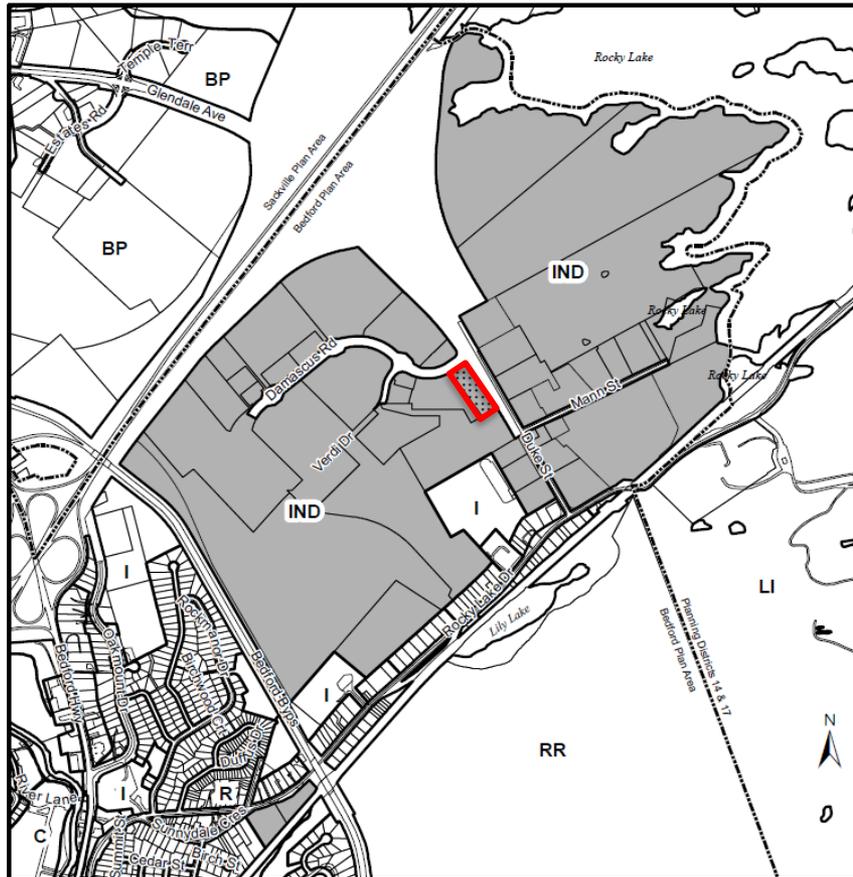
The accuracy of any representation on this plan is not guaranteed.

- Light Industrial Zone - permits manufacturing, processing, assembly or warehousing operations, shopping centre commercial uses, commercial uses permitted within the General Business District (CGB) Zone, and utility (SU) uses.
- Gas Stations permitted subject to Case 20211 (MPS Amendment) approval.

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Planning Policy

Bedford Municipal Planning Strategy



Map 1 - Generalized Future Land Use
Eastern Bedford Area

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Industrial Designation
Subject Site
Plan Area Boundary

Bedford Designations
R Residential
RR Residential Reserve
C Commercial
IND Industrial
I Institutional

Planning Districts 14 & 17 Designations
LI Light Industrial

Sackville Designations
BP Business Park

0 100 200 300 400 500 m

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.

- Industrial Designation - promote industrial development which is appropriately located in relation to the physical environment and other land uses, consistent with the preservation, creation and maintenance of a well balanced community.
- Light Industrial development focussed east of Duke Street and Atlantic Acres.
- Gas Stations permitted.

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Planning Policy

Bedford Municipal Planning Strategy

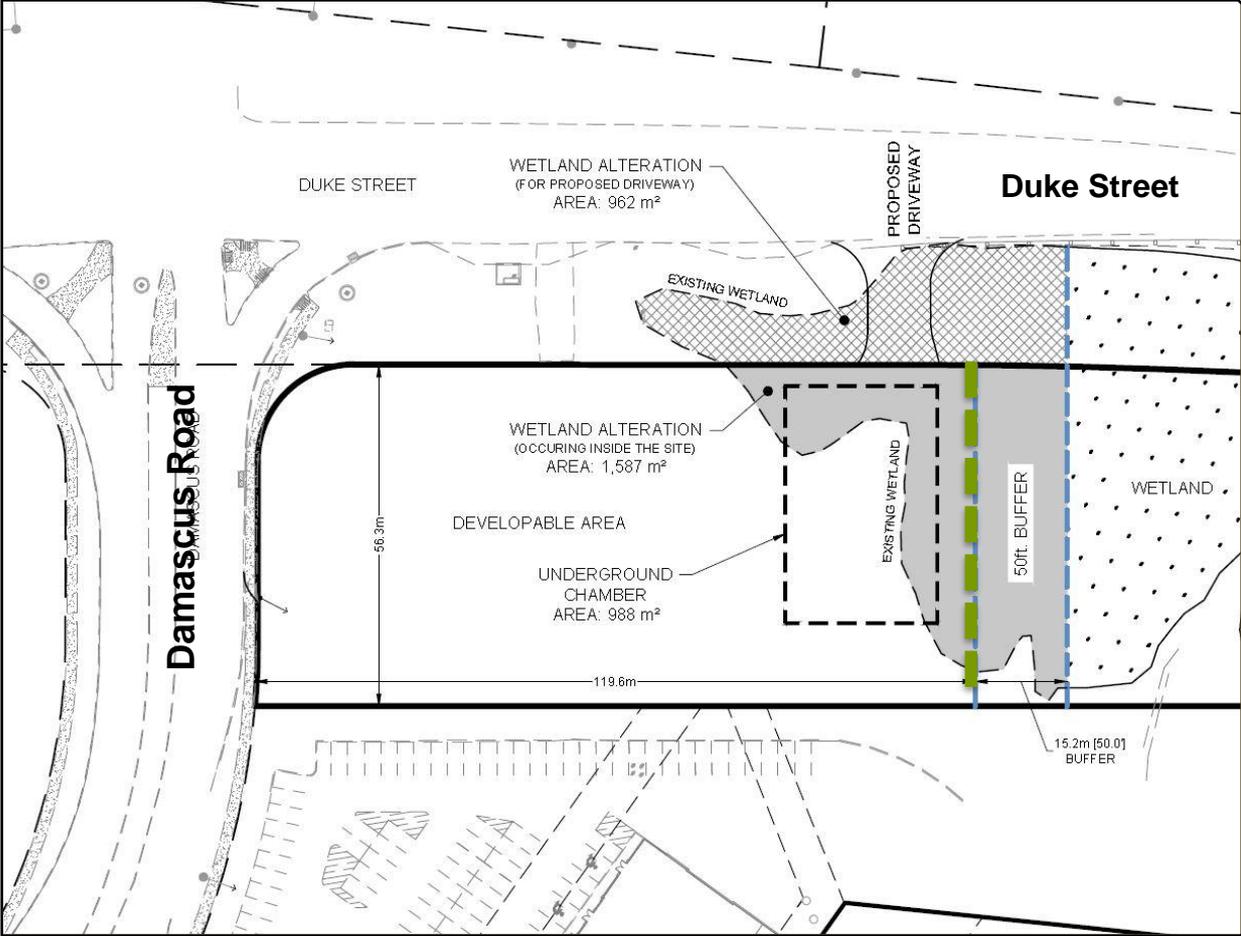
- Environmental Policy
 - Non-disturbance of large wetlands (E-15 Regional MPS)
 - Encourages innovative stormwater management (E-3 BMPS).
 - Mapping of environmentally sensitive areas (E-13 BMPS).
 - Environmental Setbacks from water retention areas (only in Bedford). 100 feet for industrial uses (E-8 BMPS).
 - Reduction can be considered by development agreement to a 50 foot minimum (E-8 BMPS). **Enabling Policy**
 - Environmental study required.
 - Demonstrate that the property can not be reasonably developed with setback and site disturbance provisions.

Policy E-8 (Bedford MPS)

Policy E-8: (summary – see handout for full policy)

- A reduction from 100' to 50' may be considered by development agreement (DA), where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions.
- A DA shall be subject to Policy Z-3
- Environmental study required which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction.
- The DA shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse.

Proposal



Proposed Infill and underground chambers

Underground Storm Water Management System



- HrdroStor retention and detention system
- System manages storm water that is currently being held by the on-site portion of the wetland.
- System is integrated with the wetland and therefore will allow the water level in the wetland to remain generally the same.
- Made of fully recyclable, extremely durable material
- Simple maintenance with two access ports – requires no work in confined space

Policy Consideration

Enabling Policy E-8: Reduced Environmental Setback, requires Council consider the following in rendering their decision on a Development Agreement:

- It must be demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions.
 - Without the setback reduction, the driveway access to Duke Street would not be possible without further infill.
 - Access to Damascus is right-in/right out only. Such restrictions render the property undevelopable without additional access provided on Duke Street.

Policy Consideration

Enabling Policy E-8: Reduced Environmental Setback, requires Council consider the following in rendering their decision on a Development Agreement:

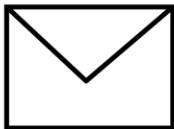
- Environmental Study
 - Impacts of watercourse
 - No net loss in effectiveness
 - Study Complete – positive recommendation

- Landscaping /design of the 50 foot buffer

Public Engagement Feedback

- Level of engagement completed was consultation achieved through a mail out notification, newspaper ad and a public information meeting (April 3, 2017)
- Regional waters Advisory Board (April 12, 2017)
- North West Planning Advisory (April 5, 2017)
- Feedback from the community generally included the following:
 - Ensuring Halifax Water is involved in ensuring design does not increase flooding.

**Notifications
Mailed**



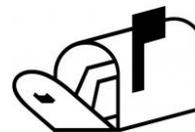
25

**Meeting
Attendees**



0

**Letters
Received**



1

**Total Public
Interactions**



26

Public Engagement Feedback

RWAB comments

- Best management practices are followed (no negative impacts to the wetland);
- Buffer design to enhances the ecological functions of the area;
- The silt fence be removed when no longer needed;
- A copy of the wetland alteration to be referred to the board;
- The 50' setback be landscaped by a registered landscape architect;
- The re-establishment of the connectivity to Sucker Brook be considered; and
- Interpretative signage.

Public Engagement Feedback

NWPAC comments

- That the North West Planning Advisory Committee recommends North West Community Council reject the application for the following reasons:
 - Traffic concerns due to a busy intersection on Duke and Damascus and second entrance on Duke Street (**NSTIR approved**);
 - Environmental impact of infilling the wetland (**NSE approved**); and
 - Concerns over the role of Halifax Water in the ownership and maintenance of the hydro storage water and/or drainage technology (**Halifax Water approved**).

Summary: Key Aspects of Proposed Development Agreement

- Best management practices are to be followed (no negative impacts to the wetland);
- Buffer design to maintain the ecological functions of the area; and
- The 50' setback be landscaped by a registered landscape architect with wetland appropriate plants

Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which could be made without a formal Public Hearing. Instead, Community Council could authorize this change by resolution.

As proposed, Non-Substantive Amendments within this agreement include the following:

- Commencement of construction

Summary

Development agreement is focussed on setback reduction and creation of landscaping within the 50 foot setback.

Because of the general requirement for a 100 foot setback and NSE's regulations superseding HRM's, a decision to not reduce the setback may lead to additional infill of the wetland (subject to NSE approval). 100 feet vs 50 (as proposed).

Staff Recommendation

Staff recommend that Regional Council:

1. Approve the proposed development agreement as set out in Attachment A of the staff report .

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Thank You

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