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Public Hearing for Case 22190

Development Agreement for
11 Osprey Drive, Shad Bay

Halifax and West Community Council
Wednesday August 19, 2020

HRM Planner: Jacqueline Belisle, MCIP LPP

Applicant Proposal

Slide 2

Applicant: KWR Approvals Inc., on behalf of 3274302 Nova Scotia Limited

Location: 11 Osprey Drive, Shad Bay

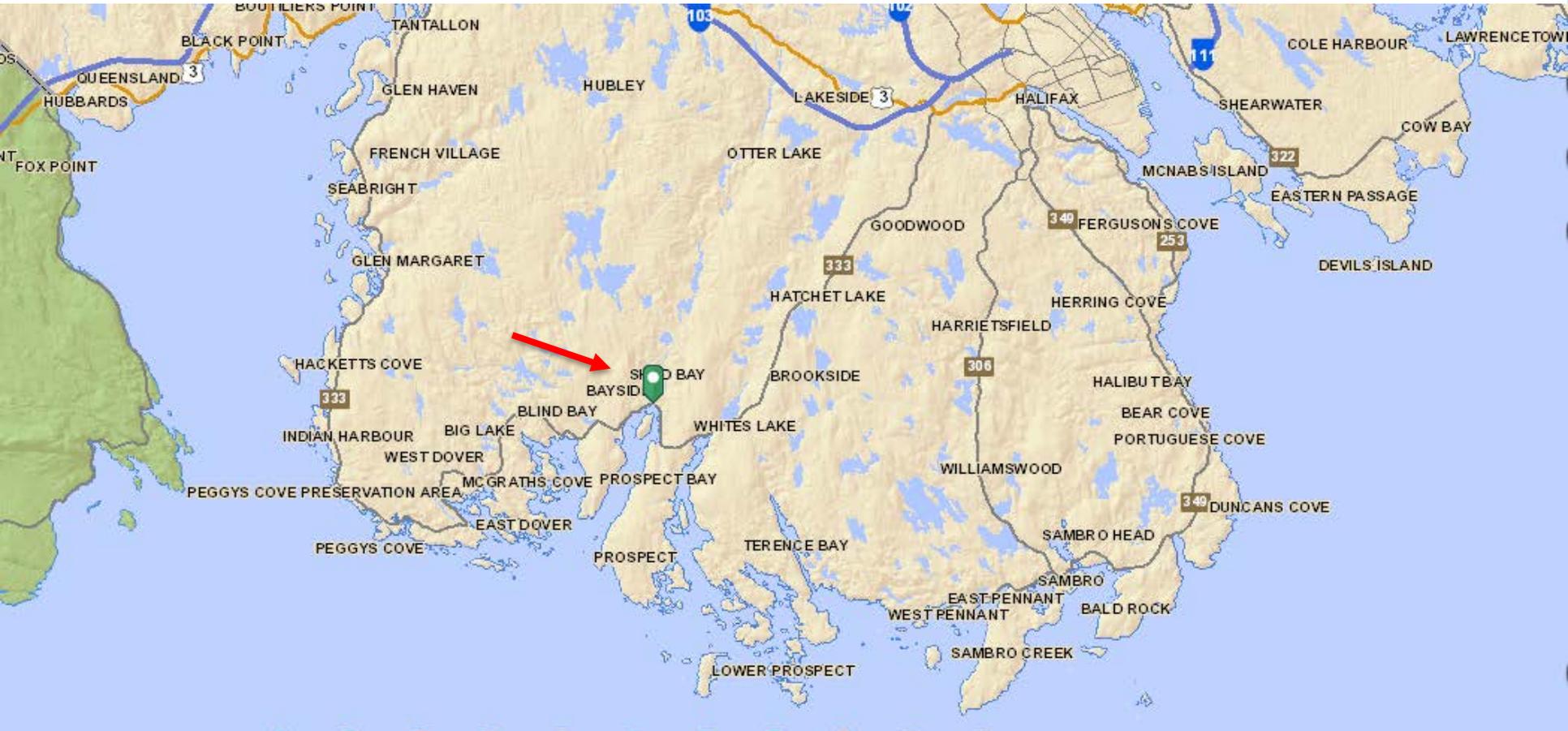
Proposal: Development agreement to permit 16-units of senior citizen housing within the former motel building at 11 Osprey Drive, Shad Bay

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Site Context

11 Osprey Drive, Shad Bay

Slide 3

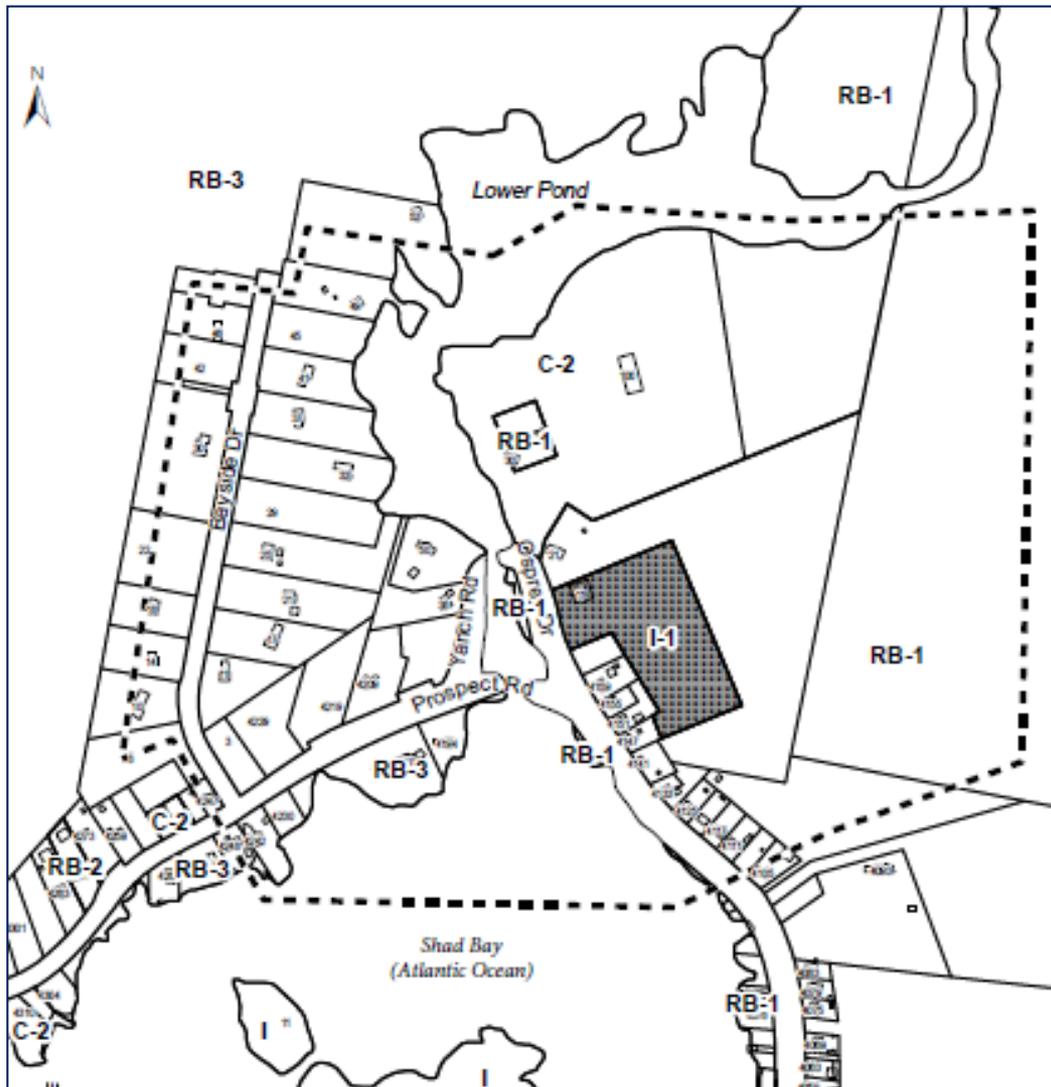


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Site Context

11 Osprey Drive, Shad Bay

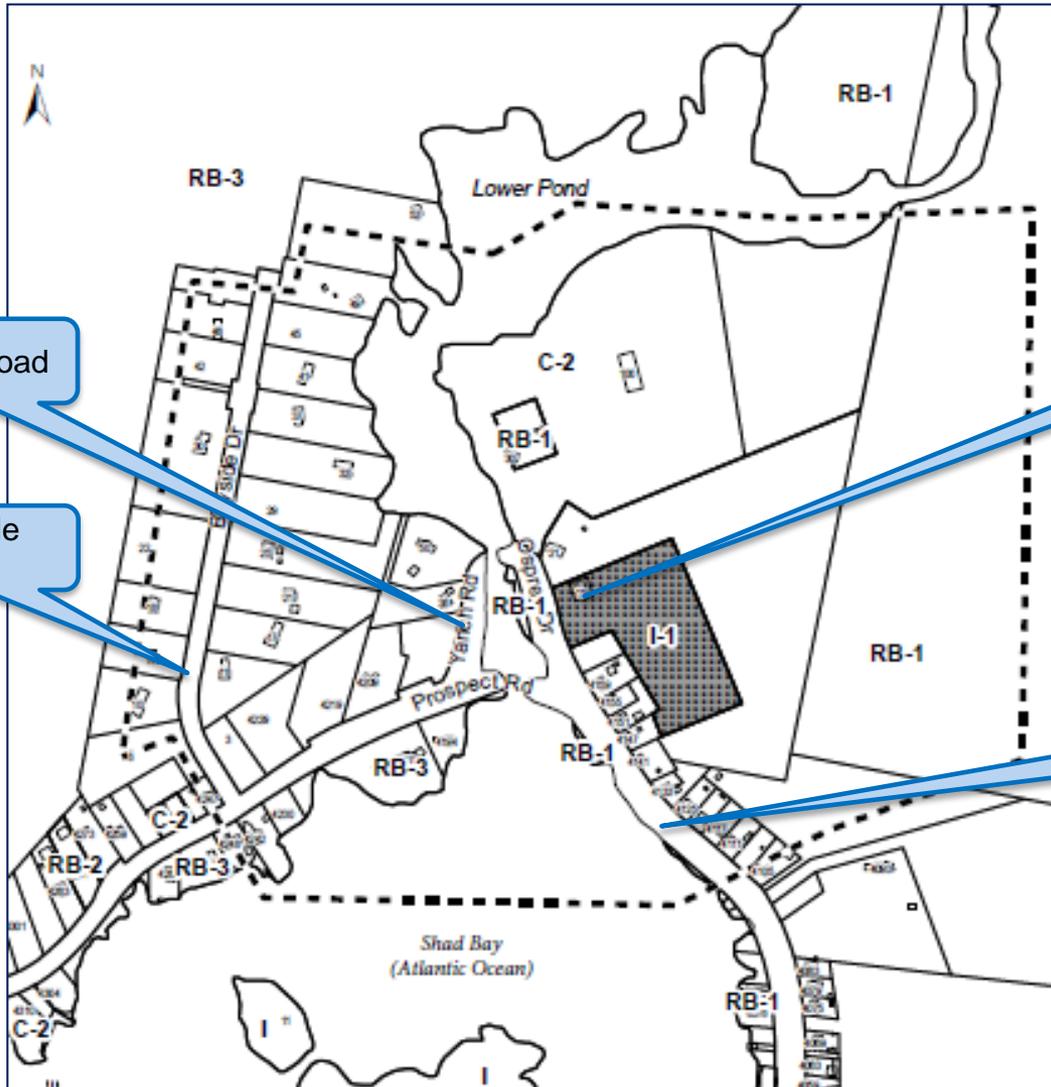
Slide 4



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Site Context

11 Osprey Drive, Shad Bay



Yanch Road

Bayside Drive

11 Osprey Drive

Prospect Road

Site Context

11 Osprey Drive, Shad Bay



Lower Pond

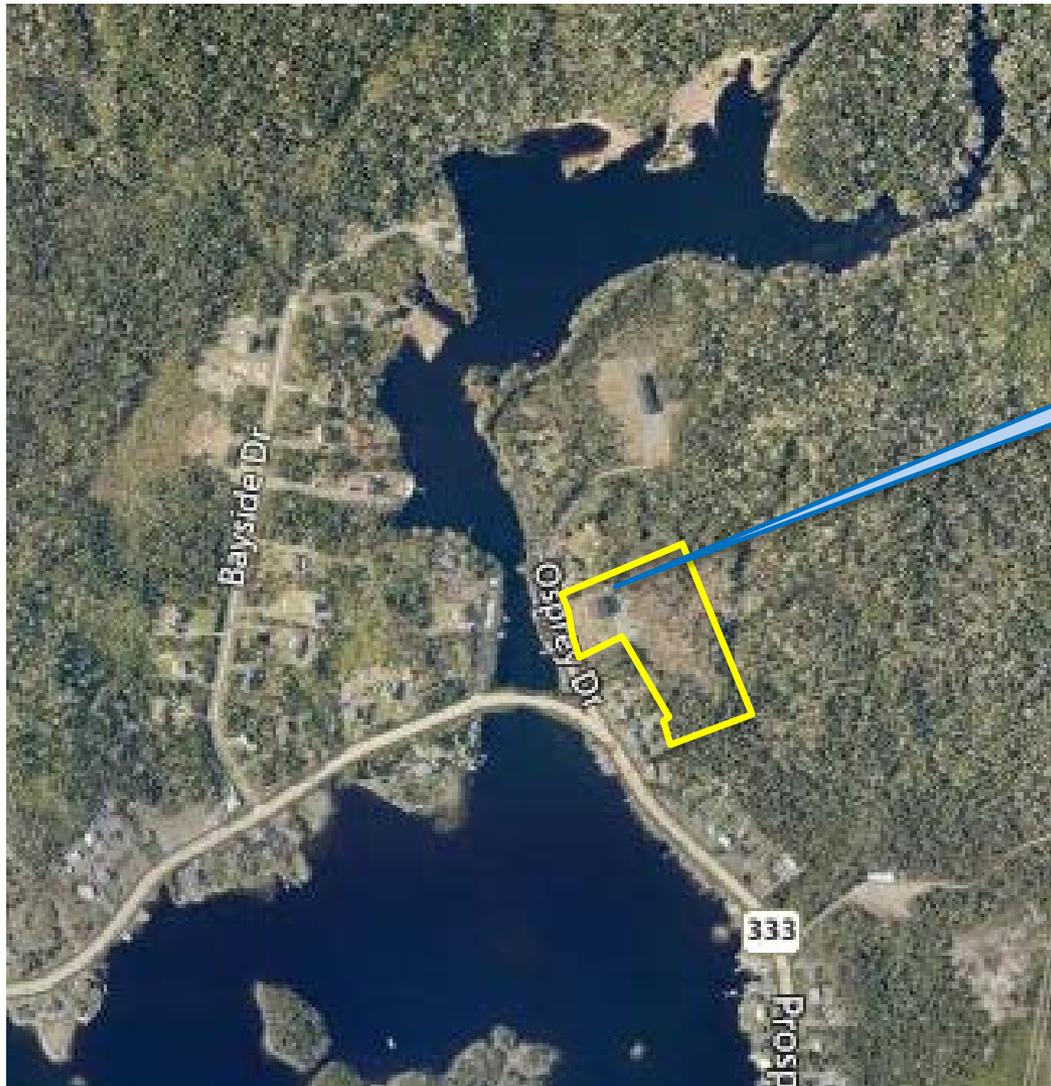
Shad Bay Park

Shad Bay

Site Context

11 Osprey Drive, Shad Bay

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11 Osprey
Drive

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Site Context



Site Photos



Site Photos

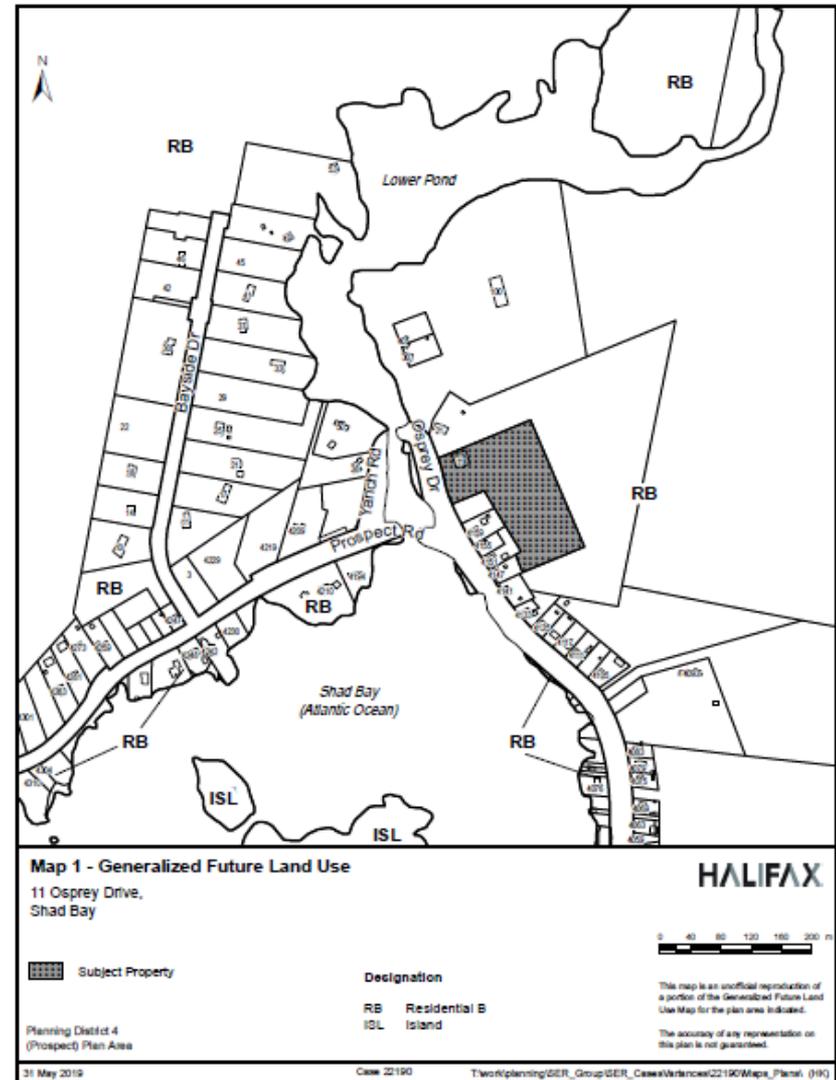


Planning Policy - Overview

Slide 11

RMPS and MPS for Planning District 4 (Prospect)

- **RMPS Designation**
 - Rural Commuter
- **MPS Designation**
 - Residential B
- **Enabling Policy**
 - Policy RB-6 enables the consideration of Senior Citizen Housing through Development Agreement (DA).
- **Implementation Policy**
 - Policy IM-11 directs consideration be given to specific criteria for all DAs



Planning History

11 Osprey Drive, Shad Bay

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○ Existing Development Agreement

- Approved by Western Region Community Council on January 26, 2004
- Permitted:
 - 16-unit Motel (Bluenose Inn & Suites); and
 - Existing Restaurant and Lounge (Sea n' Tide Restaurant, and the Rusty Anchor Beverage Room) – demolished in 2013
- Was enabled by Policy RB-10

○ Underlying Zoning

- Light Industry (I-1) Zone

○ Municipal Compliance

- In 2015 the motel use ceased
- Building began operating as a Multiple Unit Dwelling

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I-1 (Light Industry) Zone Permitted Uses

Slide 13

Land Use By-law for Planning District 4 (Prospect)

Industrial Uses Permitted

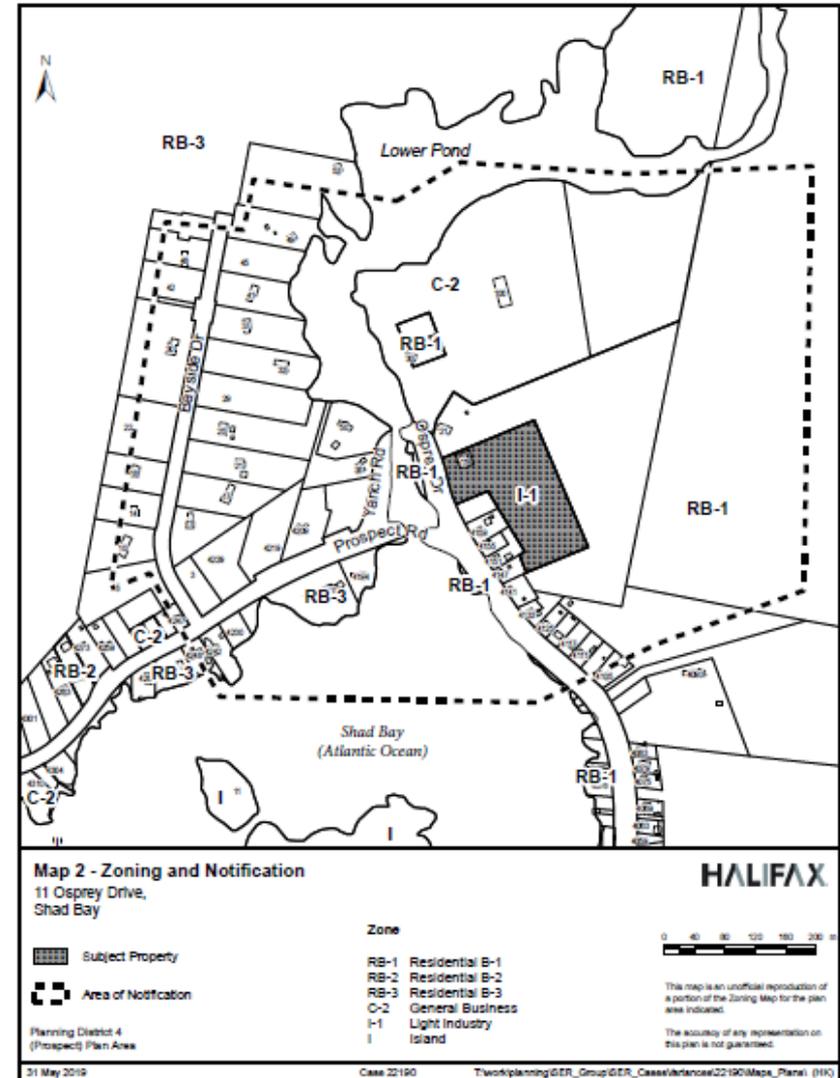
- Manufacturing operations
- Warehouse operations
- Wholesale operations
- Research facilities
- Postal and courier depots
- Recycling depots
- Transport facilities and maintenance yards
- Taxi and bus depots
- Parking lots
- General contracting and storage yards
- Communication stations
- Mobiles and offices accessory to any permitted use
- Cannabis production facilities

Commercial Uses

- All C-2 uses

Other Uses

- Composting operations



C-2 (General Business) Zone Permitted Uses

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Land Use By-law for Planning District 4 (Prospect)

Commercial Uses

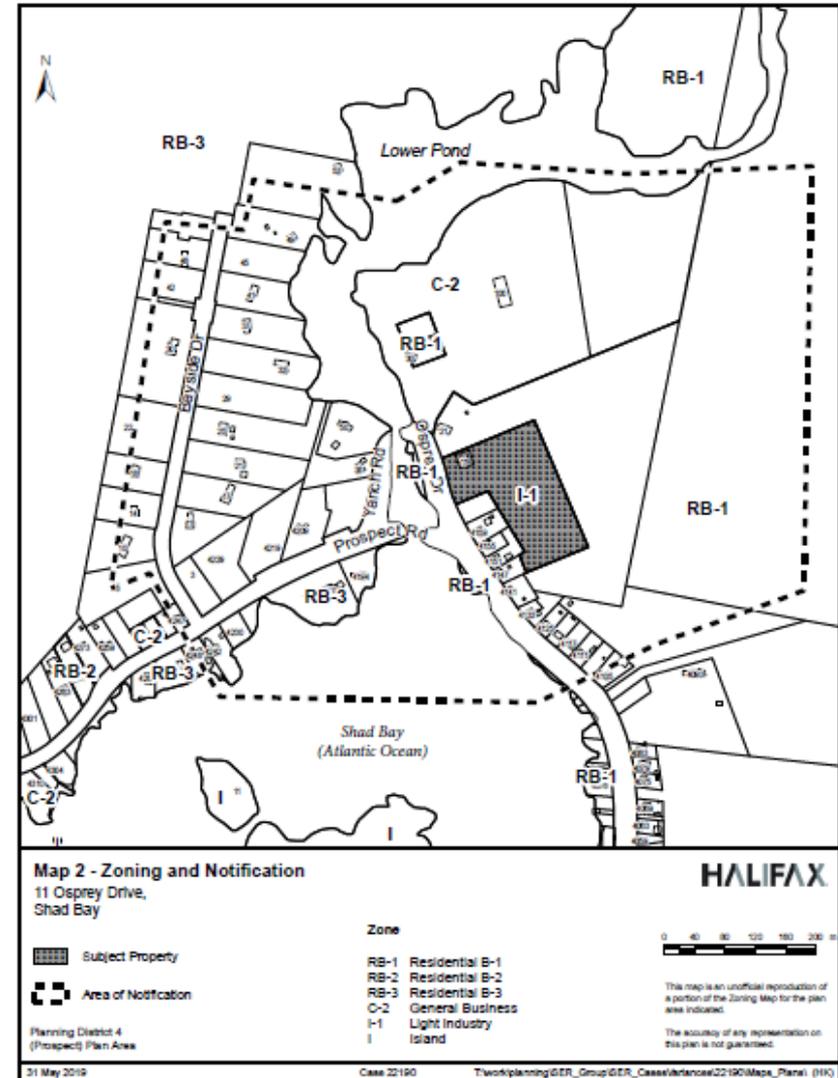
- Bed and breakfast outlets
- Banks and financial institutions
- Retail stores
- Personal service shops
- Offices
- Commercial schools
- Restaurants, drive-ins, take-outs and mobile canteens
- Parking lots
- Funeral parlours
- Medical, dental and veterinary clinics
- Service shops
- Automotive repair outlets
- Athletic, sports and health clubs
- Greenhouses and nurseries
- Outdoor display courts
- Building supply outlets
- Light equipment sales and rentals
- Marinas and boat yards
- Marine service industries

Residential uses

- Residential dwellings containing up to two dwelling units

Other Uses

- All existing dwellings including the existing 4 unit dwelling on LIMS No. 40430209
- All existing businesses



Senior Citizen Housing

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Land Use By-law for Planning District 4

PART 2: DEFINITIONS:

2.80 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens.

- Under the Nova Scotia Human Rights Act HRM does not have the ability to regulate tenancy based on age.
- HRM can regulate certain design elements through the a Development Agreement

Policy Consideration (RB-6)

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Senior citizen housing is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Residential B Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

RB-6 Notwithstanding Policy RB-2, within the Residential B Designation, Council may consider permitting senior citizen housing in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the appropriate conditions as follows:

- (a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use;
- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the preference for, but not restricted to, a site which has access to commercial and institutional uses;
- (f) the general maintenance of the development;
- (g) the means by which solid and liquid waste will be treated;
- (h) the effects of the development on any adjacent or nearby land uses;
- (i) the preference for a development which serves a local community need; and
- (j) the provisions of Policy IM-11.

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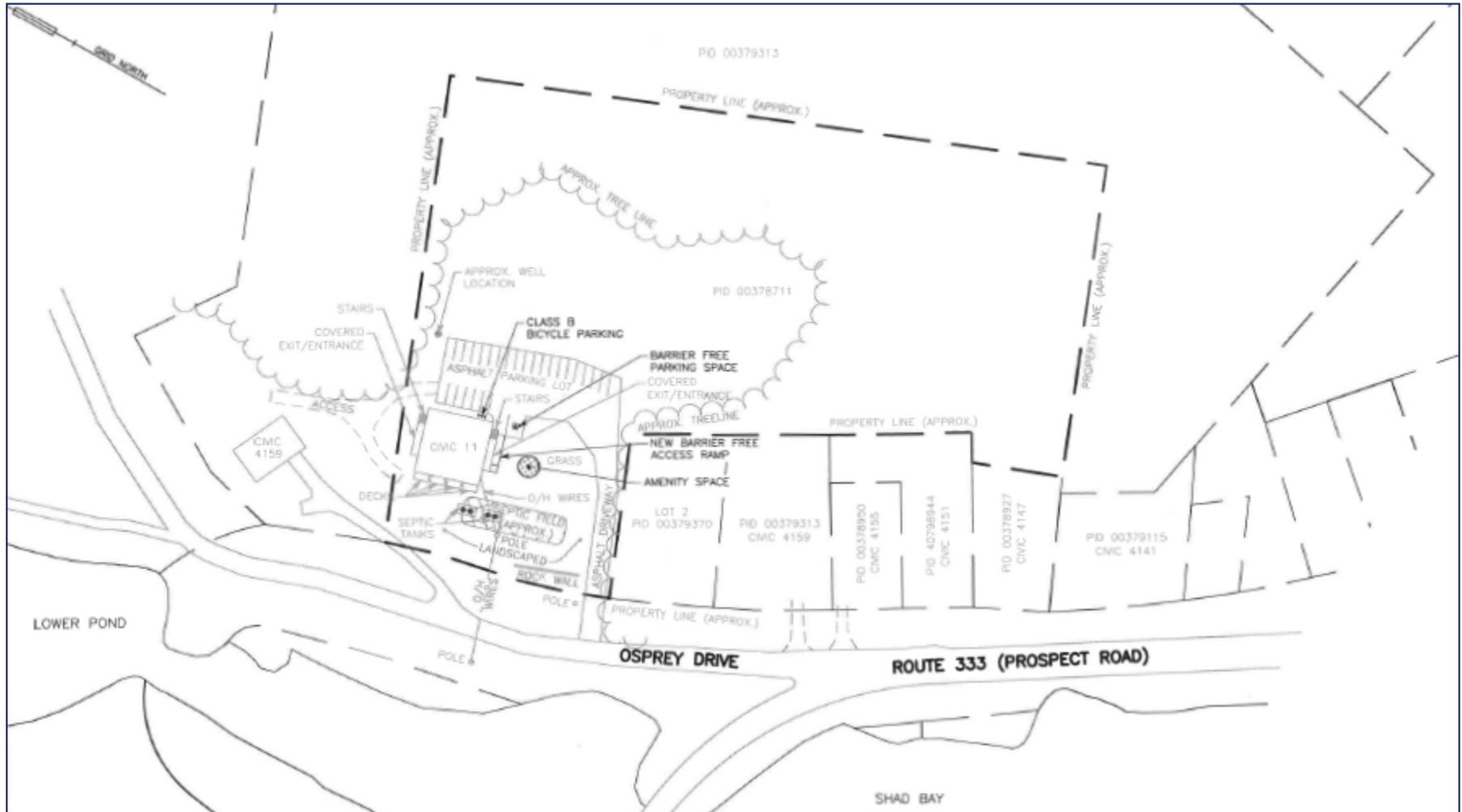
Policy Consideration (IM-11)

Slide 17

IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of on-site sewerage and water services;
 - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
 - (iv) the adequacy of road networks leading to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges -Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

Proposal – Site Plan



Proposed Site Plan

Summary: Key Aspects of Proposed Development Agreement

Number and Type of Units

- Up to 16 studio-units (Clause 3.3.1)
- “Studio-Unit” means a single room (that functions as a bedroom, living room and kitchenette), and a bathroom (Clause 2.2.1)
- One unit must be barrier-free as per the building code (Clause 3.3.4)
- One entrance must be barrier-free (Clause 3.3.5)

Provision for Outdoor Amenity Space

- 25 m² (269 sq.ft.) and contain fixed seating (Clause 3.4) and could take the form of a deck, gazebo, greenhouse, playground or similar space (Clause 2.2.1)

Site Servicing

- On-site Servicing (Well and Septic System) must meet Dept. of Environment requirements (Clauses 4.2 and 4.3)

Archaeological Protection

- Clause to ensure coordination with the Province prior to any site disturbance (Clause 5.3.1)

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.

- This agreement contains no Non-Substantive Amendments.

Public Engagement

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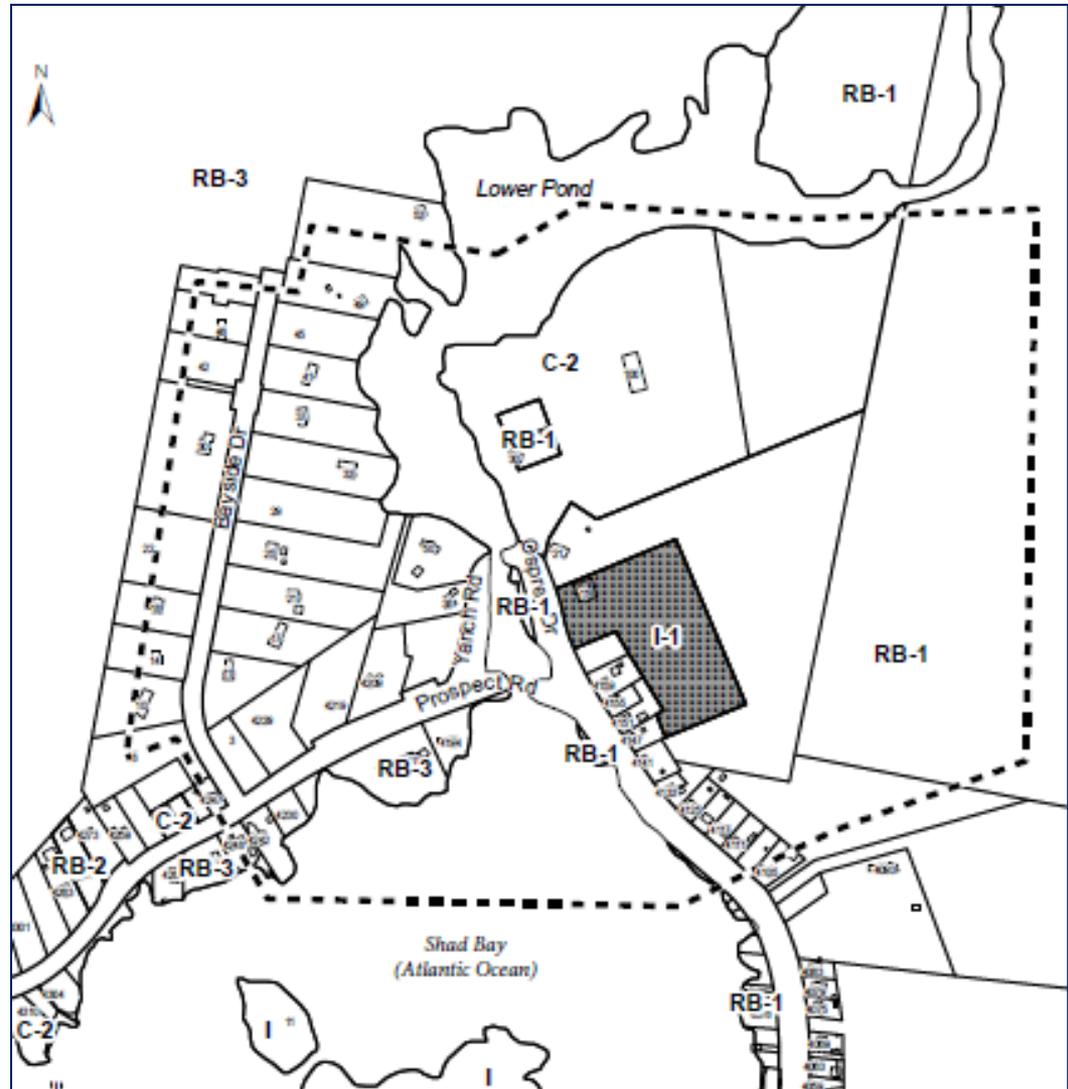
Level of engagement completed was consultation achieved through:

- A mail out notification;
- Application webpage on Halifax.ca

Notifications
Mailed



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- Feedback from the community generally included the following:
 - Concern regarding evening traffic volumes
 - Concern regarding vehicular noise and lights; and
 - Concern regarding nighttime noise

Notifications Mailed



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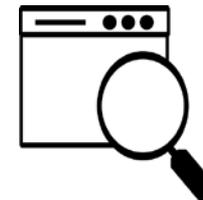
Individual Contacts (Phone Call)



1

Webpage Visits

(Feb 14, 2019 –
August 12, 2020)



319 (Page Views)

217 (Unique Views)

3 min (Avg. Time)

Staff recommend that Halifax and West Community Council:

- ✓ Give notice of motion to consider the proposed development agreement, as set out in Attachment A of the February 25th Staff Report, to permit 16-units of senior citizen housing at 11 Osprey Drive, Shad Bay, and schedule a public hearing; (Notice of Motion given by HWCC on July 8, 2020)
- 2. Approve the proposed development agreement, set out in Attachment A of the February 25, 2020 Staff Report;
- 3. Approval, by resolution, the discharge of the existing development agreement, set out in Attachment B of the February 25, 2020 Staff Report; and
- 4. Require both the development agreement and the discharge agreement be signed by the property owner within 120 days.

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Thank You

- End of HRM Staff Presentation -