

HALIFAX

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Halifax, Nova Scotia
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Item No. 15.1.3
Halifax Regional Council
October 19, 2021

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: September 20, 2021

SUBJECT: **Case 23746: Municipal Planning Strategy and Development Agreement
Amendments for Seton Ridge at Bedford Highway & Seton Road, Halifax**

ORIGIN

Application by Fathom Studio on behalf of Southwest Properties (Seton Ridge Holdings Ltd.)

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Halifax Municipal Planning Strategy and the development agreement for the Seton Ridge neighbourhood to allow for the elimination of a required walkway connection to Bayview Road, Halifax; and
2. Follow the public participation program for municipal planning strategy amendments as outlined within the Community Engagement section of this report.

BACKGROUND

Fathom Studio, on behalf of Southwest Properties (Seton Ridge Holdings Ltd.), have applied to amend the Halifax Municipal Planning Strategy and the existing development agreement for the Seton Ridge neighbourhood to allow for the elimination of a walkway connection currently required between the Seton Ridge development and Bayview Road, Halifax (Maps 1 and 2, Attachment A).

The applicant also has an ongoing planning application (Case 22896) requesting amendments to other aspects of the development agreement. This application has already undergone community engagement and could be considered at the same time as this MPS amendment via a joint public hearing of Regional Council and Halifax and West Community Council.

Subject Site	Seton Ridge neighbourhood (formerly called 'Motherhouse lands') PID's 00137802, and 41282724
Location	Between Bedford Highway and Lacewood Drive, Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Seton Ridge Neighbourhood Plan (SRNP), Bedford Highway Secondary Planning Strategy, Halifax Municipal Planning Strategy
Zoning (Map 2)	Seton Ridge Comprehensive Development District (SRCDD)
Size of Site	29.5 hectares (73 acres)
Street Frontage	Approx. 31 metres (102 feet) on both Bedford Highway and Lacewood Drive
Current Land Use(s)	Undeveloped land
Surrounding Use(s)	<u>North</u> : Residential development on Canary Cres. & Melody Dr. <u>East</u> : Mount St. Vincent University, houses on Sherbrooke Dr. <u>South</u> : Residential development on Bayview Rd. & Briarwood Cres., church on Lacewood Dr. <u>West</u> : Residential development on Chessvale Cl. & Chartwell Ln.

Proposal Details

The proposed amendments to the Halifax MPS and the development agreement are as follows:

- Amend the MPS, specifically Map 9Df: Seton Ridge Neighbourhood Plan (Attachment B), to remove the walkway linking Bayview Road to the Seton Ridge lands, which is one of four walkway links required in the MPS to the surrounding residential neighbourhoods; and
- Amend Schedule C2 of the development agreement to remove the subject walkway linking to Bayview Road.

The applicant's proposal has been submitted because the existing HRM-owned parcel intended as a future walkway, which is located on Bayview Road between civic numbers 77 and 79, is too narrow and too steep to allow for the construction of a walkway to HRM specifications. The proposal to omit this walkway on Bayview Drive cannot be considered without an amendment to the Halifax MPS, as the proposed walkways are shown on Map 9Df. The proposed amendment is local in nature, and Attachment A contains the applicant's letter of request.

History

In July of 2018, Regional Council approved amendments to the Bedford Highway Secondary Planning Strategy (Section VIII of the Halifax MPS) and the Halifax Mainland Land Use By-law to enable the development of a new 'Seton Ridge' neighbourhood, formerly referred to as the 'Motherhouse' lands (Attachment C). Seton Ridge encompasses approximately 73 acres, with the existing development agreement enabling a total of 3,000 residential and assisted living units proposed within a mix of multi-unit and low-density buildings together with a range of commercial and institutional uses. At full build out, the proposed neighbourhood is expected to contain approximately 7,000 residents within a 'neighbourhood centre', 'low-density residential neighbourhoods' and a 'residential care campus'.

Some of the key objectives and components of the Seton Ridge transportation network include a collector road (Seton Road) and an emphasis on transit and active transportation. The development includes an active transportation (AT) pathway alongside the collector road, a walkable street grid of sidewalks and pedestrian easements which link to the internal parks, and four proposed walkways which connect to the abutting residential neighbourhood on Bayview Road, Sherbrooke Drive, Chessvale Close, and Canary Crescent.

Existing Development Agreement

On August 7, 2018, Halifax and West Community Council approved two separate development agreements for the Seton Ridge lands, one for each landowner as follows (Case 19514):

- Sisters of Charity, for approximately 47 acres of the site; and
- Shannex SC Limited, for approximately 26 acres of the site.

Southwest Properties had an agreement with the Sisters of Charity for the design and development of their lands. Following Community Council's approval, Southwest Properties (under Seton Ridge Holdings Ltd.) purchased the Sisters of Charity lands as well as a portion of the Shannex SC Ltd. lands, for a total of 63 of the original 73 acres.

Proposed Amendments to Development Agreements

Southwest Properties has applied for separate amendments to the development agreements for other matters (Case 22896), including the following:

- To apply the HRM Municipal Design Guidelines (Red Book) street standard of 500 metres maximum distance between local street intersections, instead of 200 metres in the existing agreement;
- To allow portions of buildings with underground parking or partly above-ground parking garages to be located within 20 metres of the road right-of-way with conditions;
- Proposed modifications to requirements for landscaped strips along the side yards of residential dwellings;
- Proposed allowance for height exemptions for rooftop mechanical and other building features and clarification of building height calculation with sloping conditions; and
- To add some definitions into the agreement, including existing terminology from the Land Use By-law and new definitions, for clarification purposes.

A virtual Public Information meeting was held on June 10, 2021 for Case 22896 regarding the requested amendments to the development agreement. This meeting was attended by 44 members of the public. While this request to remove one of the pedestrian walkways was not specifically introduced to attendees of the meeting, the topic of encouraging pedestrian travel and cycling was discussed. Southwest have concurrently proceeded with conceptual and final subdivision applications.

It is anticipated that, in the event that Council agrees to initiate the MPS amendment process, all of the proposed amendments to the development agreement could be consolidated into one package of amendments at the time of the joint public hearing noted above.

MPS and LUB Context

The subject site is located within the Bedford Highway Secondary Planning Strategy (Section VIII) of the Halifax MPS, and is designated Seton Ridge Neighbourhood Plan (SRNP)(Map 1). The Seton Ridge designation encourages the development of a new high density, mixed-use neighbourhood in a comprehensive manner through the development agreement process. The site is zoned Seton Ridge Comprehensive Development District (SRCDD) pursuant to the Halifax Mainland Land Use By-law (Map 2).

DISCUSSION

The MPS is a strategic policy document which sets out HRM's goals, objectives and direction for long term growth and development. While the MPS provides broad direction, Regional Council may consider amendments to permit development proposals that are generally consistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. When considering amendments, Council should consider the broader planning context. Council should only make amendments when there has been a change in circumstance since the MPS was adopted or last reviewed, or if there may have been an oversight when drafting policies.

Applicant Rationale

A summary of the applicant's rationale (Attachment A) to support the proposed amendments is below. Highlights of the rationale provided for the proposed change to planning policy includes the following:

- Southwest has spent the three years since the plan was adopted trying to accommodate all four connections but has experienced difficulties with at least two of them;
- Two of the four connections are currently only 12 feet or 3.66 metres wide (Bayview and Canary) while the HRM requirement for a walkway parcel is 20 feet (6 metres);
- Additionally, the Bayview Road parcel includes some very significant grade changes that would require large retaining walls along the length of the trail, further compounding the width of the easement to make room for retaining walls and footings; and
- The loss of one walkway would not significantly detract from the walkability aspect of the Seton Ridge development, as other walking routes are within a reasonable distance from the commercial 'neighbourhood centre'.

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:

- Upon detailed review, it has been determined that a walkway is not feasible in the location of the existing HRM-owned parcel on Bayview Road, due to both excessive grades and the narrow width of existing HRM parcel. A walkway cannot physically be built to meet HRM standards in this location and would be detrimental to the abutting residential properties on either side, requiring large retaining walls;
- The only other option identified would be for the applicant to purchase and likely demolish an existing dwelling in another location on Bayview Road or Briarwood Crescent to make way for a new walkway; and
- If the Bayview Road walkway is eliminated, there will still be three walkway connections to existing neighbourhoods, the AT trail which will run the full length of Seton Road, and internal sidewalks, walkways and pedestrian easements within the Seton Ridge neighbourhood. It is felt that these features could retain the walkability aspect of the development and meet the intent of MPS policies in this regard.

Conclusion

Staff have reviewed the proposed MPS amendment request 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 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.

On September 1, 2020, Regional Council adopted amendments to Administrative Order Number 2020-009-ADM, the COVID-19 Administrative Order (AO). It requires that HRM adjust engagement practices to respect health and safety requirements for public gatherings. The amending AO provides the ability to adjust public engagement to include:

- virtual meetings;
- online portals;
- social media; and
- mail and telephone formats.

Rather than proceed with the February 1997 Public Participation resolution, given the localized nature of the requested amendment, staff propose that the level of community engagement can be achieved through the HRM website, signage on the subject lot, and letters mailed out to property owners within the notification area. The proposed amendment would limit the scope of change to only this property.

Staff advise that a public meeting is unnecessary, with follow-up engagement to be performed through a Fact Sheet mailout and one-on-one discussion between planning staff and involved members of the community. Feedback received via engagement on Case 22896 will be considered in the preparation of any proposed amendments outlined in this report. The community will have further opportunity to engage with Regional Council at the required public hearing. Amendments to the Halifax MPS will potentially impact the following stakeholders: residents, landowners, and businesses.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2021-2022 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 environmental implications are identified at this time.

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 MPS is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

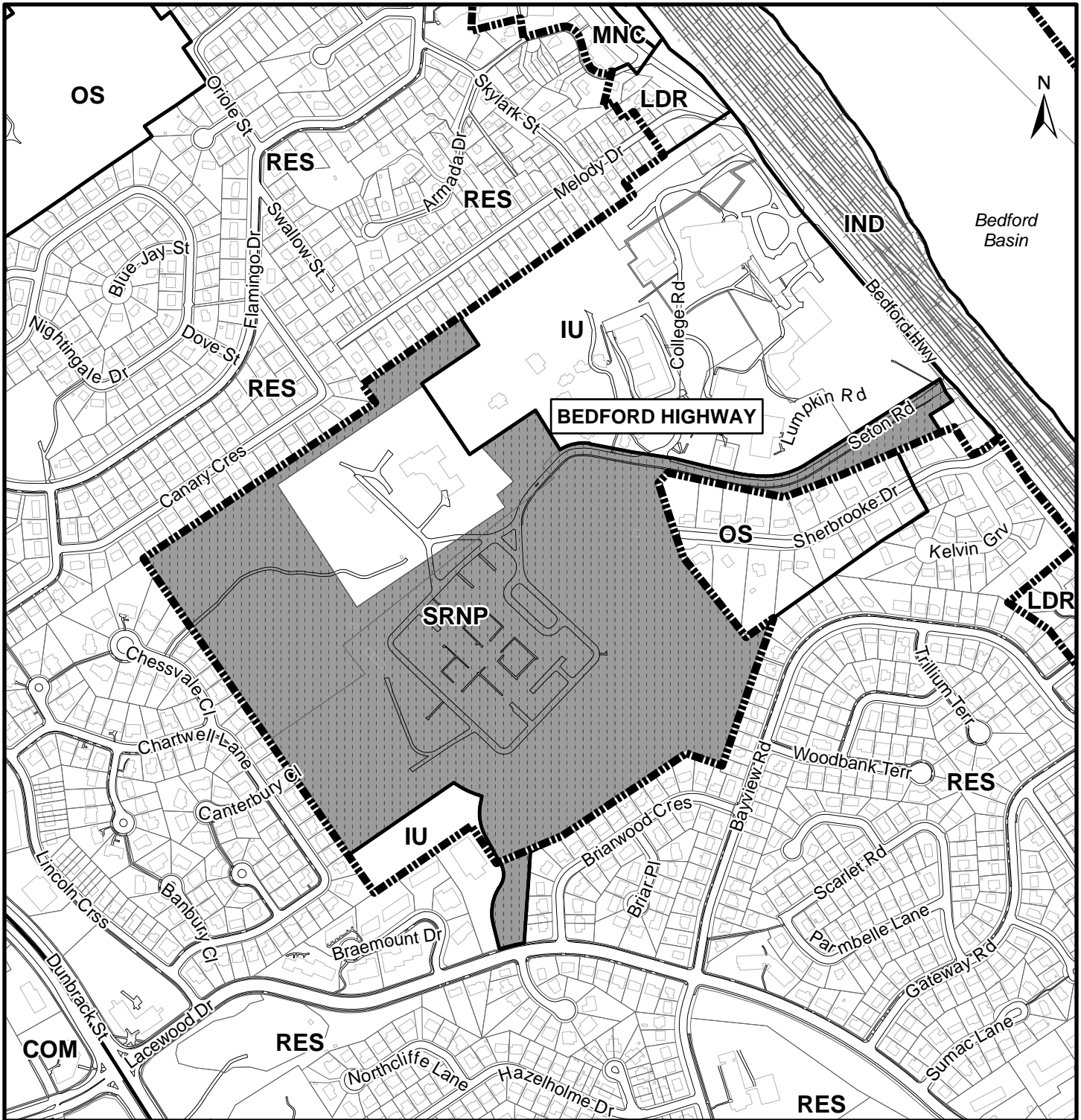
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning

Attachment A: Applicant's Submission
Attachment B: Map 9Df: Seton Ridge Neighbourhood Plan
Attachment C: Excerpts from the Halifax Municipal Planning Strategy

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, 902.717.8125




Map 1 - Generalized Future Land Use


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Seton Road,
Bedford Highway

Designation - Bedford Highway

- LDR Low Density Residential
- MNC Minor Commercial
- IND Industrial
- IU Institutional - University
- SRNP Seton Ridge Neighbourhood Plan

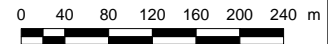
 Subject Property

 Bedford Highway Secondary Plan Area Boundary

Designation - Halifax

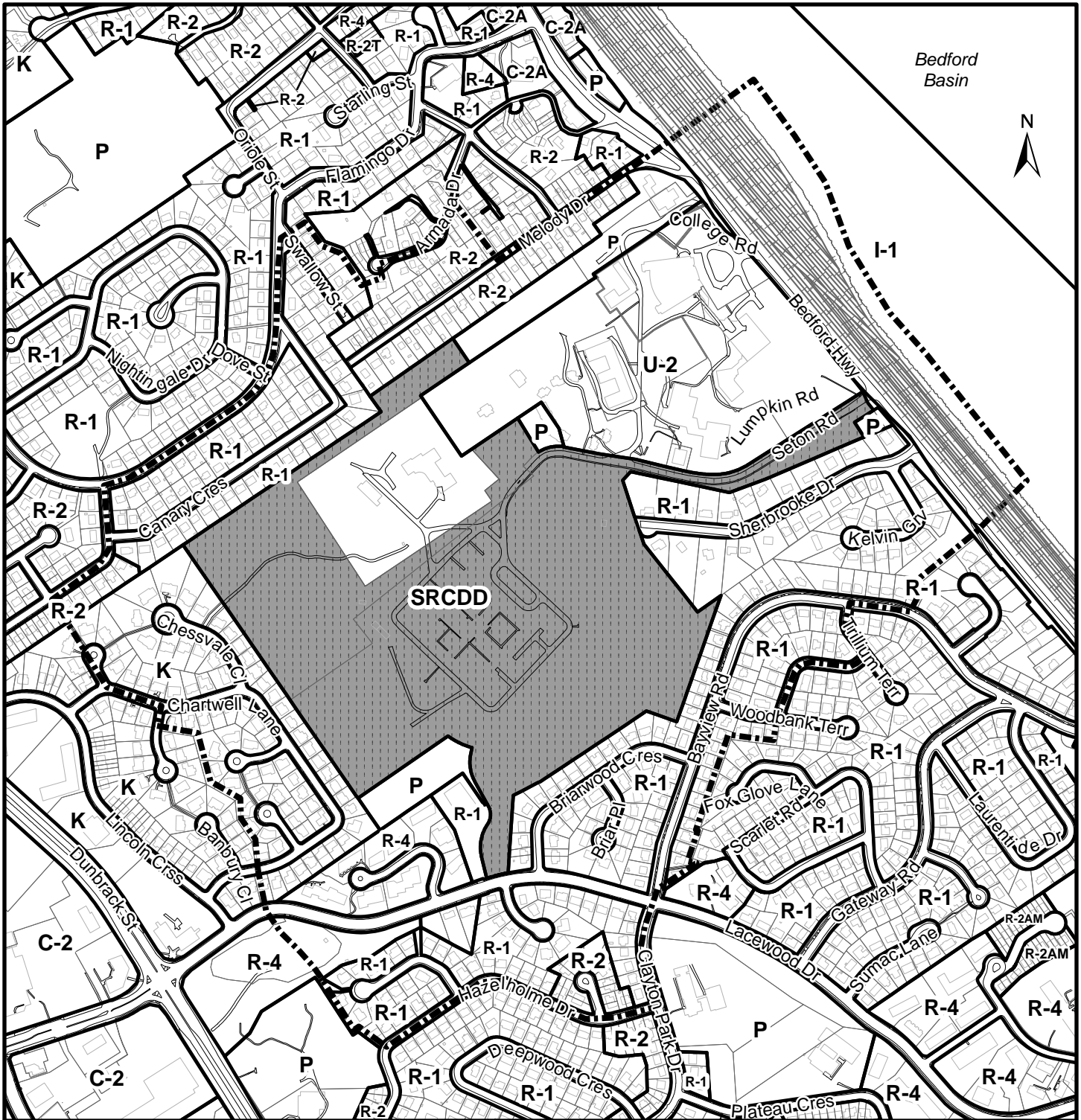
- RES Residential Environments
- COM Commercial
- OS Major Community Open Spaces

Halifax Plan Area
Bedford Highway Secondary 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 and Notification

Seton Road,
Bedford Highway

Subject Area

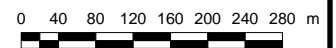
Area of Notification

Halifax Mainland
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- C-2 General Business
- I-1 General Industrial
- P Park and Institutional
- U-2 High Density University
- SRCDD Seton Ridge Comprehensive Development District
- K Schedule K

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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.

Attachment A: Applicant's Submission

fathomstudio.ca
1 Starr Lane
Dartmouth, NS
B2Y 4V7

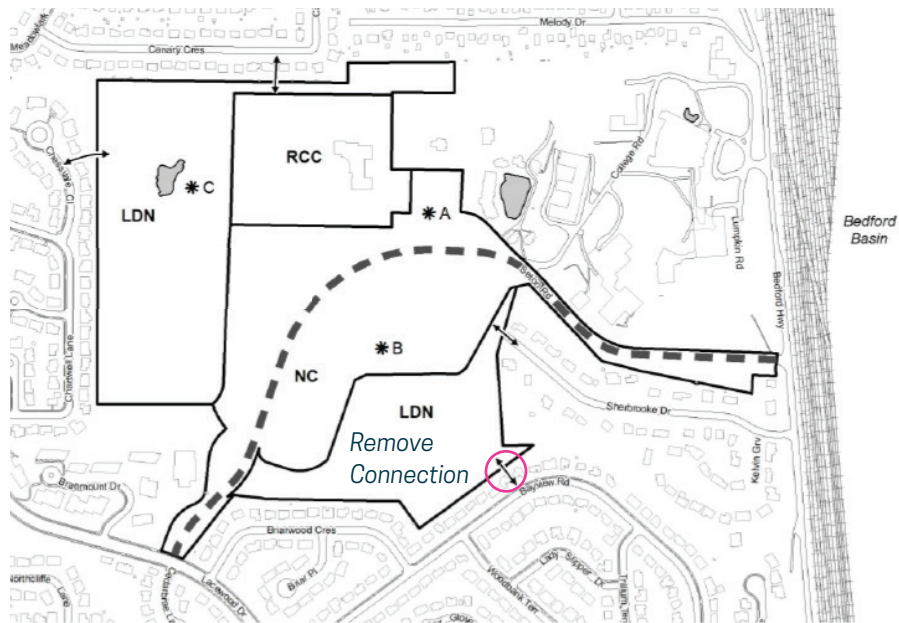
PAUL SAMPSON, MCIP, LPP
PLANNER II - URBAN PLANNING APPLICATIONS
CURRENT PLANNING | PLANNING & DEVELOPMENT
PO BOX 1749
HALIFAX NS B3J 3A5

Request for a Plan Amendment: PID 00137802

Dear Paul,

Paul, as discussed at our last Seton meeting, Southwest would like to file a plan amendment for the Halifax Municipal Planning Strategy to remove the pedestrian trail connection from Seton Ridge to Bayview Road. The request, specifically, is to amend Map 9Df to remove this connection (see below) for the reasons noted below to advance Southwest's Seton Ridge development.

Issued
Aug 23, 2021



Map 9Df: Seton Ridge Neighbourhood Plan

Planning Rationale

Section 8A of the Municipal Planning Strategy (MPS) sets out the general policy intent for the Seton Ridge development which forms the basis of the Development Agreement (Case 19514) for the area.

When the municipal plan was amended in 2018 to allow this development, the connectivity and walkability of the new development with surrounding communities was noted as a high priority for the plan. Southwest has spent the last 3 years since the plan was adopted trying to accommodate all 4 connections (shown on Map 9Df) into the development. The sticking point has been HRM's requirement for a 6m wide path easement into the development when 2 of the 4 connections are currently only 12' (3.66m) wide (Bayview and Canary). Southwest is not in any position to expropriate land for trail dedication and since HRM

will not accept a 3.66m wide easement, Southwest has been left in a stalemate unable to satisfy the 6m width requirement and the community connection requirement. Southwest has no ability to meet the 6m requirement so the only alternative is to remove the connections from the MPS. From our discussions in July and August 2021, it seems that HRM will accept the 12' wide connection already in place on Canary. If this is the case, we do not need to request the removal of this trail connection from Map 9Df in the MPS.

In the case of the Bayview Road trail connection, if HRM will not accept a 3.66m wide easement, there is no reason to provide a 6m wide easement on the Seton Ridge lands if a trail would not be accepted by Parkland Planning. This property also includes some very significant grade changes that would require large retaining walls along the length of the trail further compounding the width of the easement to make room for retaining walls and footings. For this connection, there seems to be no easy way to design this trail in a manner that would be acceptable to HRM. As a result, we would like to amend map 9Df to remove this connection. Section 8A.8 of the MPS states that *"The Seton Ridge Neighbourhood shall prioritize walking, cycling and transit use. The transportation network shall consist of: (c) pedestrian walkways, shown on Map 9Df, that connect the development with surrounding neighbourhoods"*. Southwest has completed a GIS analysis to determine which properties would be impacted by eliminating this trail connection to the new Seton Village Centre. The new Seton Road extension (which has an AT Multiuse Trail) is the shortest connection to the urban core for almost 90% of the surrounding walking residents. Only a small number of houses on Bayview, Trillium Terrace, Woodbank Terrace and Lady Slipper Drive would have a slightly longer walk to the Seton Urban Core if this Bayview trail connection was removed. We believe these impacted areas are still within a very comfortable walking distance to the Urban Core by eliminating this trail connection. In a worst case scenario, the removal of this trail will only add another 334 m to the walk for a small number of properties (see attached map prepared by DesignPoint).

DA Amendment

Schedule C2 of the Southwest DA also shows this walkway connection and regulation 3.4(e) of the DA states that "(e) Walkways shall be constructed in the general locations shown on Schedule C2." We assume that the DA would also need to be amended to remove the walkway from Schedule C2? We would like HRM's ruling on this assumption, and if required, we would run a parallel DA amendment with the Plan Amendment.

If you have any questions about our Plan and DA amendment request, please feel free to reach out to me at your convenience. We are anxious to get some of these housekeeping items approved so that the developer can advance the development.

█ncerely,

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█

Rob LeBlanc, Planner

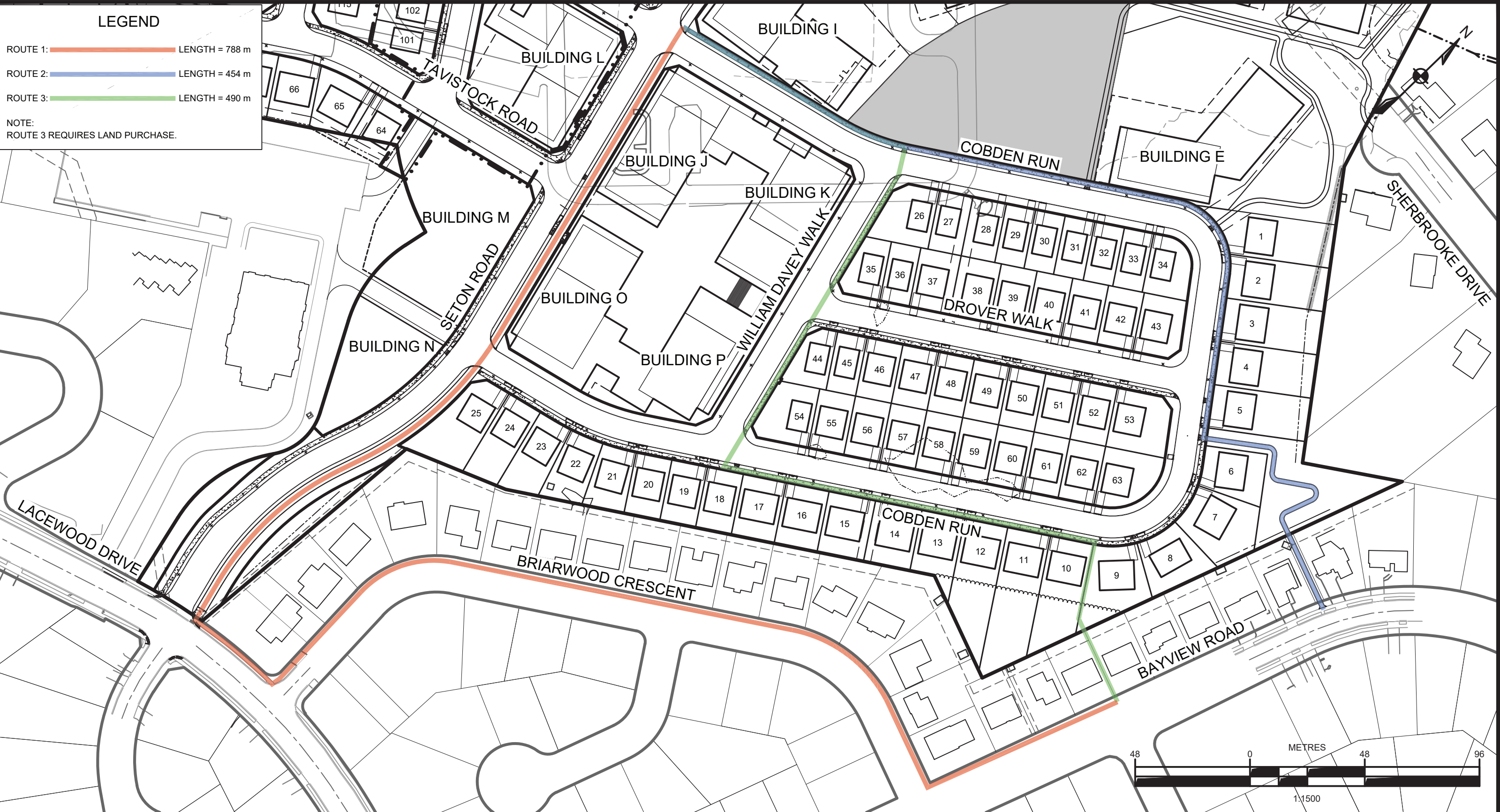
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rob.leblanc@fathomstudio.ca

LEGEND

- ROUTE 1: — LENGTH = 788 m
- ROUTE 2: — LENGTH = 454 m
- ROUTE 3: — LENGTH = 490 m

NOTE:
ROUTE 3 REQUIRES LAND PURCHASE.



CONSULTANT

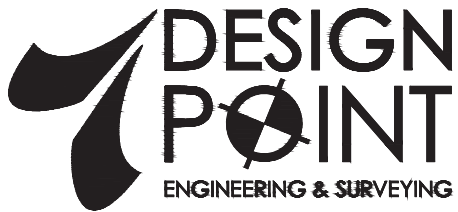
CLIENT

PROJECT DESCRIPTION

SHEET DESCRIPTION

Engineer

Drawn



SETON RIDGE

WALKWAY ROUTES

A. FORSYTHE

J. DWYER

Scale

Date

1:1500

Nov. 19, 2020

Project No.

Drawing No.

18-034

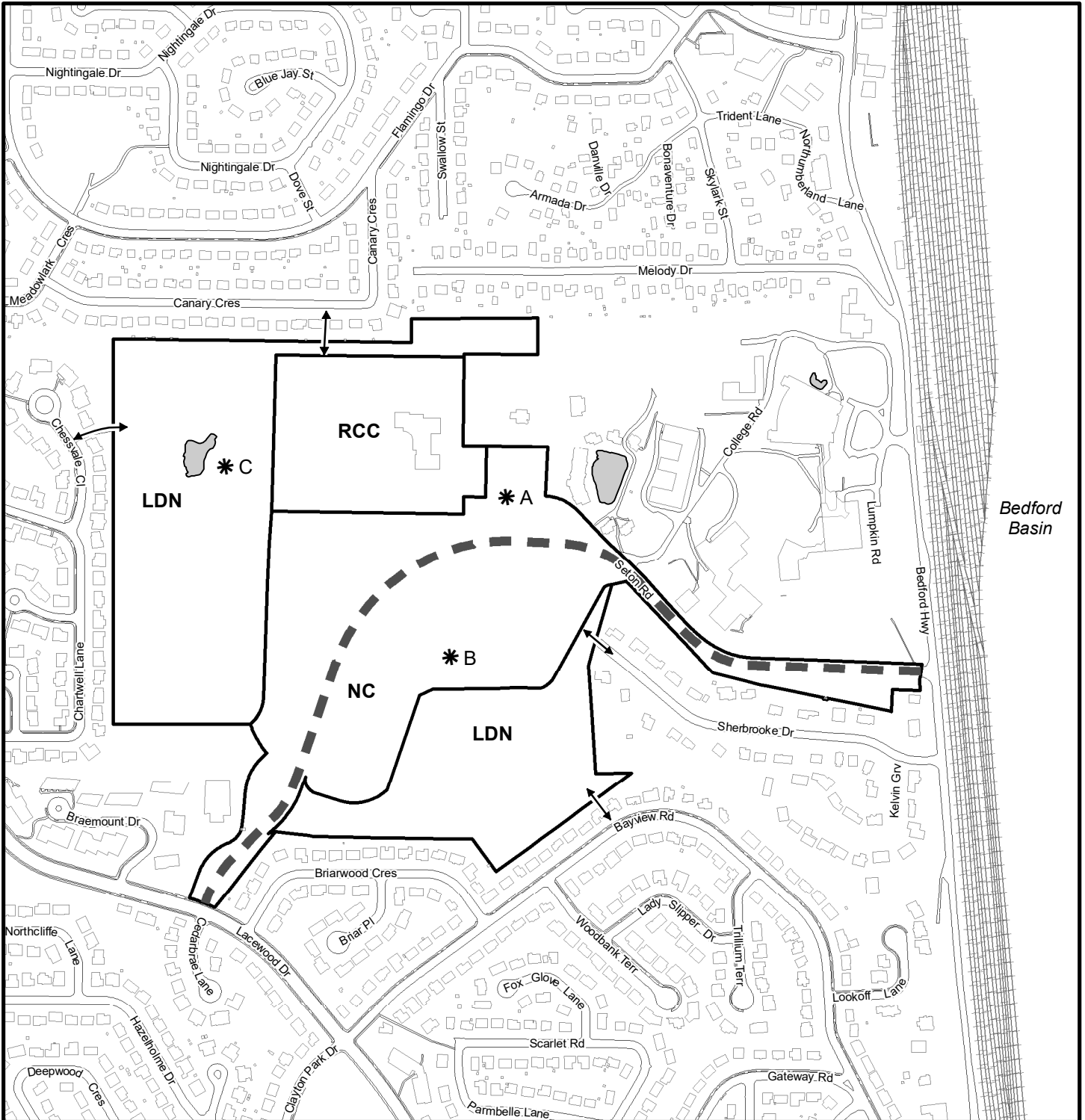
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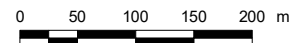


Bedford Highway Secondary Planning Strategy
Map 9Df – Seton Ridge Neighbourhood Plan

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-  Proposed Collector Road
-  Walkways
-  Public Park Location (Approx.)

- Land Uses**
- NC Neighbourhood Centre
 - LDN Low Density Neighbourhood
 - RCC Residential Care Campus



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

Attachment C: Excerpts from the Halifax Municipal Planning Strategy

Section VIII – Bedford Highway Secondary Planning Strategy

8A. SETON RIDGE NEIGHBOURHOOD PLAN (RC-Jul 17/18;E-Jul 28/18)

Objectives

Seton Ridge is a 72 acre site that slopes down towards the Bedford Basin. Historically known as the Motherhouse property, the site was initially developed as a residence for the Sisters of Charity, a religious order that acquired the lands in 1873. The Motherhouse residence was demolished in the early 2000's and provides a unique redevelopment opportunity. The strategically located site is located next to Mount St. Vincent University, and close to a variety of shops, services, public facilities and transit corridors.

The objectives for this plan support the development of a compact mixed-use neighbourhood that:

1. provides a variety of housing options that are integrated with supporting services within walking distance;
2. contains streets that allow walking and cycling to be a pleasant and safe experiences, and supports efficient transit service;
3. includes mixed use buildings on a central street with an architectural style that is pedestrian friendly and contains visual variation;
4. contains public and semi-public spaces that provide the neighbourhood infrastructure needed to offer opportunities for outdoor recreation and social interaction; and
5. integrates with Mount St. Vincent University and the surrounding neighbourhoods through the scale and type of development and by establishing pedestrian connections.

Neighbourhood Design

8A.1 The Seton Ridge Neighbourhood Plan, presented as Map 9Df, shall form the framework for land use allocation, public parkland locations and transportation planning and all policies and actions taken by the Municipality shall conform with the intent of this plan and the policies contained herein.

Neighbourhood Centre

8A.2 Lands identified as Neighbourhood Centre on Map 9Df are intended to support a mixed-use high density residential environment including multi-unit dwellings, community facilities, and commercial uses that serve the neighbourhood, such as offices, restaurants, retail and personal service uses. Uses that serve the broader community that are compatible with a mixed-use environment, such as educational facilities and hotels, shall also be permitted.

8A.3 The scale and design of development within the Neighbourhood Centre shall be controlled to support a high-density pedestrian oriented neighbourhood including standards regarding

building form, appearance, allowable height, landscaping and amenity areas. Specific controls will ensure that building heights and scale transition to surrounding low density areas and allow sufficient light and air to reach public streets and spaces. Surface parking shall be limited and only permitted to the side or rear of buildings.

Low Density Residential Neighbourhoods

8A.4 Land identified as Low Density Neighbourhood on Map 9Df encompasses those areas where a low density residential environment is supported. Single unit dwellings, auxiliary dwelling units, row houses, double stacked row houses and home occupations shall be permitted. Multi-unit dwellings, institutional uses and commercial uses shall not be permitted.

Residential Care Campus

8A.5 Lands identified as Residential Care Campus on Map 9Df are intended to accommodate the development of an integrated residential facility that provides a wide range of housing options together with medical, supervisory or personal care. Associated commercial uses are also permitted, such as medical offices, restaurants and personal service shops.

8A.6 The scale and design of development within the Residential Care Campus area shall be controlled to support a high-density pedestrian oriented neighbourhood similar in form to the Neighbourhood Centre area. However, specific land use and built form controls may be tailored to the unique site layout and building form needs associated with a residential care campus form of development.

Parks

8A.7 High quality public parks are an essential component of the Seton Ridge Neighbourhood that are important to meeting the diverse recreation needs of residents. The public park locations shown on Map 9Df identifies the approximate locations of lands that shall be dedicated to the Municipality for public recreation uses through the subdivision process. The specific size and shape of the three proposed public parks shall be consistent with the following park descriptions.

- (a) Park A, located adjacent Mount St. Vincent University, has a topography and configuration that is suitable for a play lawn, playgrounds, and sport courts;
- (b) Park B, located towards the centre of the Neighbourhood, is a sloped site that may exceed standard parkland requirement that is suitable for passive recreation features and playgrounds and is intended to provide views and recreation opportunities next to the Neighbourhood's commercial core; and
- (c) Park C, located to the northwest corner of the Neighbourhood, is intended to retain the existing pond and surrounding natural vegetation, facilitate pedestrian connections, and provide passive recreation opportunities for residents.

Transportation

8A.8 The Seton Ridge Neighbourhood shall prioritize walking, cycling and transit use. The transportation network shall consist of:

- (a) a collector road, shown on Map 9Df, that is designed to accommodate cycling and transit service through the site;
- (b) short local streets that are arranged in a general grid pattern;
- (c) pedestrian walkways, shown on Map 9Df, that connect the development with surrounding neighbourhoods.

Implementation

8A.9 The Seton Ridge Neighbourhood Designation shall be applied to the Seton Ridge site and shall only permit new comprehensively planned development by development agreement.

8A.10 The Seton Ridge Comprehensive Development District (SRCDD) Zone shall be applied to the Seton Ridge Neighbourhood and shall limit as-of-right development to existing uses and public parks.

8A.11 In considering a development agreement within the Seton Ridge Neighbourhood Designation Council shall be satisfied that the proposal meets the following criteria:

- (a) the proposal meets the objectives of this neighbourhood plan and is consistent with the policies established for this neighbourhood plan and any other applicable policies established by the Halifax Municipal Planning Strategy and the Regional Planning Strategy;
- (b) the phasing of development ensures that the collector road, local road connections, transit supportive infrastructure, and public parkland dedications are provided in early phases of the development;
- (c) the phasing of development may allow for limited subdivision and development without street frontage and deferred parkland dedication provided street frontage and parkland dedications are provided in later phases; and
- (d) the development agreement is designed to be discharged by Council upon the completion of public roads, parks and other public infrastructure.

8A.12 Zoning shall be applied to the Seton Ridge Neighbourhood prior to discharging the development agreement enabled in Policy 8A.11. In considering amendments to the Land Use By-law to apply or adjust new or existing zones within the Seton Ridge Neighbourhood, Council shall be satisfied that the proposal meets the following criteria:

- (a) The proposed zoning achieves the objectives and policies of the Seton Ridge Neighbourhood Plan and are consistent with any other applicable policies established by the Halifax Municipal Planning Strategy and the Regional Municipal Planning Strategy.