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Item No. 8.1
North West Community Council
February 28, 2022

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: January 18, 2022

SUBJECT: **Case 22732: Development Agreement for lands off Kenwood Avenue,
Hammonds Plains**

SUPPLEMENTARY REPORT

ORIGIN

December 13, 2021 motion of North West Community Council to defer consideration of Case 22732 as follows:

*THAT North West Community Council defer consideration of Item 10.1.2 Case 22732: Development Agreement for lands off Kenwood Avenue, Hammonds Plains to a future meeting of North West Community Council, pending a supplemental staff report which provides further information on storm water management planning for the proposed development and primary access through Kingswood Drive.
MOTION TO DEFER PUT AND PASSED.*

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated October 14, 2021; and
2. Require the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

On December 13, 2021 North West Community Council held a Public Hearing for Case 22732 which stemmed from a request to enter into a development agreement to develop 19 senior citizen housing units off Kenwood Avenue in Hammonds Plains. The staff report included a proposed development agreement for a seniors' housing development of bungalow-style townhouses and amenities for residents of the development including a central courtyard and an internal walkway connecting the site to adjacent commercial and open space uses. A senior citizen housing development can only be considered in this area by development agreement in accordance with Policy P-39.

A staff report dated October 14, 2021 was presented at the Public Hearing to North West Community Council, outlining the development proposal's architectural design, access, proximity to commercial and community uses, landscaping and amenities, and how the project is designed for seniors. Staff recommended approval of the proposed development agreement as it is reasonably consistent with the intent of the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

The October 14, 2021 staff report can be found at the following link:

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/211213nwcc1012.pdf>

DISCUSSION

Community Council deferred their decision on the proposed development agreement pending further information on stormwater management planning for the proposed development and on the possibility of locating the primary access through Kingswood Drive.

Stormwater Management

The applicant has offered the following description of the stormwater management for the site.

"The stormwater drainage from the developed site will be directed to the existing ditches and, as such, the drainage patterns will remain unchanged. As per Section 5.2.1 of the draft Development Agreement, a Grade Alteration Permit (GAP) will be required. As required under the GAP, the peak flows from the developed site will be managed and reduced to predevelopment values. The methods used will be determined during detailed design but could include underground storage in gravel trenches and/or surface storage in small detention ponds or swales."

The review of a development agreement is based on provisions of planning policies within the applicable Municipal Planning Strategy (MPS). In this instance, enabling policy P-39 and implementation policy P-137 do not contain specific provisions related to stormwater management. However, P-137 (d) does require the consideration of whether "...the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding." Further, P-137 (c) does require the "...consideration of any other relevant matter of planning concerns".

During the processing of this planning application, site plans, landscaping plans and servicing plans were submitted by the applicant and reviewed by HRM Development Engineering. Based on a preliminary review of information available at this time, staff advise that the proposed development is capable of meeting the requirements of the applicable by-laws from a stormwater management perspective and that the site is suitable for development.

All Stormwater Management matters are regulated through the Grade Alteration By-law G-200 adopted by Regional Council in September of 2021. At this stage in the development process (the planning application stage), a high level review is undertaken based on the limited amount of information provided given that detailed designs are only submitted later on at the permitting stage. If Community Council grants the

approval of this planning application, all work will be completed in accordance with the Grade Alternation By-law.

Alternative Road Network and Site Access

Council has raised concerns about the proposed access off Kenwood Avenue. The original development proposal included a driveway access to Kingswood Drive. Through the planning application review process it was determined that not all the driveway infrastructure (e.g., the driveway, culvert, sidesloping and drainage path) could be accommodated on the subject property to provide a driveway access to Kingswood Drive. Therefore, staff suggested two options to the developer:

1. Obtain more land in this area to accommodate the driveway; or
2. Relocate the driveway to Kenwood Avenue.

The applicant was not able to obtain additional lands along Kingswood Drive, so the proposed development was modified to include an access from Kenwood Avenue. As it was not feasible, the Kingswood Drive driveway access was subsequently eliminated.

Regarding the applicable policies which must be considered when evaluating the proposed development, implementation policy P-137 (b) states “...*the adequacy of road networks leading or adjacent to or within the development;*” Additionally, policy P-137 (c) states “...*that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of traffic generation, access to and egress from the site, and parking.*”

To evaluate these policies, a Traffic Impact Statement (TIS) and TIS addendum was submitted in support of the proposed development. These studies and the proposed Kenwood Avenue access was reviewed and deemed acceptable by HRM Development Engineering and Traffic Services. The subject property does not have sufficient frontage on Kingswood Drive to ensure a driveway could be located entirely on the subject property. There is, however, sufficient frontage on Kenwood Avenue for vehicular access to be provided and is a suitable access point. The frontage on Kingswood Drive allows for a pedestrian linkage which staff advise offers a desirable active transportation connection between the development and nearby commercial and community uses.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The development recognises the need for senior citizen housing in the area, is designed for occupancy by senior citizens with consideration of adjacent land uses and is located on a site in proximity to commercial and community facility uses. Following a technical evaluation, the proposed Development Agreement is considered to sufficiently apply regulations and there are no concerns by staff at this preliminary stage in relation to matters of access and stormwater management. Further, these matters are reviewed in detail at the permitting stage against the applicable By-laws and Municipal Design Guidelines. Therefore, staff recommend that the North West Community Council approve the proposed development agreement as presented in the staff report dated October 14, 2021.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

The October 14, 2021 staff report:

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/211213nwcc1012.pdf>

A copy of this report can be obtained online at [halifax.ca](https://www.halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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