

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

> Item No. 14.1.3 Halifax Regional Council February 27, 2018

TO:	Mayor Savage and Members of Halifax Regional Council	
SUBMITTED BY:	Original Signed by Jacques Dubé, Chief Administrative Officer	
DATE:	January 26, 2018	
SUBJECT:	Case 21460: MPS amendments to the River-lakes SPS for Opportunity Site C on Ingram Drive, Fall River	

## <u>ORIGIN</u>

Application by WM Fares Architects Limited

## 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 Municipal Planning Strategy for Planning Districts 14 and 17 regarding site access, density and the number of dwelling units permitted per multiple unit building on Opportunity Site C at the south-end of Fall River Village, Fall River; and
- 2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

#### BACKGROUND

W.M. Fares Architects Ltd., on behalf of Perry Lake Developments, have applied for a residential development at the south-end of Ingram Drive in Fall River, known as Opportunity Site C. The majority of the proposed development can be considered under existing MPS polices. However, there are some components that require amendments to the River-lakes Secondary Plan (SPS) under the Municipal Planning Strategy (MPS) for Planning Districts 14 and 17.

Subject Site	Site C: PID 40844375, 40551277, 00472910, 00472902 & 40551558
Location	South-end of Fall River Village at the end of Ingram Drive, Fall River
Regional Plan Designation	Rural Commuter
<b>Community Plan Designation</b>	Residential
(Map 1)	(Fall River Village South Residential Opportunity Site C)
Zoning (Map 2)	Residential Comprehensive Development District (RCDD)
Size of Site	12.8 ha (31.66 ac)
Street Frontage	Connects to the termination of Ingram Drive
Current Land Use(s)	Vacant
Surrounding Use(s)	North - Canterbury Lane Park
2	Northeast – Highway 102
	South – railway and Cobequid Road
	West – Single unit dwellings

#### **Proposal Details**

The applicant proposes to develop a mixed residential development on a 30-acre (12.8 ha) site located at the south-end of Fall River Village as illustrated on Attachment B. The proposed development consists of:

- 22 townhouses fronting on an extension of Ingram Drive;
- Two 3-storey, 60-unit buildings at the end of an extension of Ingram Drive;
- 142 dwelling units at a density of 4.7 units per gross acre;
- Retention of 60% of the site as open space; and
- Retention of most of the MacDonald Sports Park Connector Trail on the property with the remainder rerouted to connect to Cobequid Road and Ingram Drive.

#### **History of Zoning**

Prior to the adoption of the River-lakes SPS, the subject property was zoned I-3 (Light Industrial). It was rezoned to Residential Comprehensive Development District (RCDD) during the River Lakes SPS process to permit residential and local commercial uses (including a self storage facility).

#### MPS and LUB Context

The subject property is in the River-lakes SPS area under the MPS for Planning Districts 14 and 17. It is designated Residential which is intended to support and protect the area's predominantly low density residential environment. Associated community uses such as churches, schools, community halls, and police and fire stations are also accommodated in the policy.

The property is zoned RCDD which permits a mixed use residential development including low rise multiple unit dwellings, townhouses, single and two-unit dwellings. The RCDD Zone also allows for local commercial uses including variety stores, restaurants, food stores, offices, medical and dental clinics, service and personal service uses, craft shops and a self storage facility.

Development on this site can only be considered by development agreement under Policy RL-14. Approval is conditional on meeting the partial list of criteria as outlined below:

• Maximum gross density is limited to 4 units per acre;

- Maximum number of permitted multiple unit dwellings is 3;
- Maximum storeys per multiple unit building is 3;
- Maximum number of units per multiple unit building is 40;
- Minimum of 60% of the site is retained as open space;
- Local commercial uses are limited to 4,000 sq. ft. and self storage facility is limited to 10,000 sq.;
- Controls on lighting;
- Provision of a connector trail to the MacDonald Sports Park;
- Direct vehicular access to the Cobequid Road; and
- Transportation and Phosphorus Net Loading Assessment studies verifying;
  - the proposed development can occur without exacerbating local traffic problems; and
    - o all phosphorus can be retained on-site in a post development environment.

#### **Requested Amendments**

The applicant is requesting changes to Policy RL-14 under the River-lakes SPS and the District 14 and 17 LUB to enable the proposed development as follows:

- Eliminate the requirement for direct vehicular access to the Cobequid Road;
- Increase in density from 4 units per gross acre to 5 units per gross acre (this represents a transfer of permitted commercial density to residential density within the proposed development); and
- Increase the permitted number of units from 40 to 60 per multiple unit building for a total of 120 multiple dwelling units.

## DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable a 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):

- Direct access to the Cobequid Road cannot be achieved. As advised by CN Rail, a new at grade crossing in this area is not feasible due to safety issues and operational parameters. Consequently, the original proposal was amended to include:
  - o two 60-unit apartment buildings and 22 townhouses; and
  - removal of the commercial components as these uses are no longer viable in the absence of the connection to Cobequid Road;
- The multiple unit buildings are proposed to be closer to Cobequid Road to provide increased separation from the abutting existing single family neighbourhood;
- The proposed townhouses will create a good transition between the existing single family neighbourhood and the new higher density buildings;
- As per the requirements of the MPS, over 60% of the site will remain undeveloped to provide adequate buffering to adjacent properties;
- A majority of the MacDonald Park Connector Trail on the property will be preserved, and the remainder will be rerouted to connect to the Cobequid Road and Ingram Drive; and,
- The proposed Site Development Plan (Attachment B) provides for an improved layout for buildings, increased setback, buffering and additional landscaped open space.

Attachment A is a letter from the applicant outlining their rationale for the request.

#### **Staff Review**

Staff reviewed the applicant's rationale, the existing policy, and changes in the area since the policy's adoption. It is believed the application has sufficient merit to warrant consideration of the proposed amendments. The following items have been identified for more detailed discussion:

#### MPS Requirement for Direct Access to Cobequid Road

The River-lakes SPS requires development of this property to include a road connection from Ingram Drive to Cobequid Road. This connection was intended to service the development of the site and move traffic from Fall River Village to and from a potential interchange at Cobequid Road and Highway 102. That connection included an "at grade" crossing of an existing CN Rail line. After the adoption of the River-lakes SPS, CN determined the proposed crossing cannot be approved for safety and operational reasons. As a result, the connection between Ingram Drive and Cobequid Road is no longer feasible and staff recommend elimination of this requirement.

#### **Commercial Component**

The intent of the existing SPS policy is to provide a mixture of multiple unit dwellings and commercial uses on the subject site. However, without direct vehicular access to Cobequid Road, staff consider this area unsuitable for commercial development. Therefore, staff advise that it is reasonable to reconsider this policy.

#### Compatibility

The site is at the end of a local minor collector road that services single detached dwellings on rural sized lots. Staff agree the proposed townhouses provide an appropriate transition between the existing uses and the proposed multiple unit dwellings. In addition, the proposal provides 60% of the site as open space to create an additional buffer between the development and lower density uses along Ingram Drive.

A full review of this proposal would consider the following:

- appropriate limits for new development including, but not limited to, setbacks from residential areas, screening, size, form and parking;
- storm water management;
- traffic infrastructure impacts;
- buffering requirements between new development and the adjacent lower density residential uses;
- impact on fire services in the Fall River area; and
- feedback received though community engagement initiatives.

#### Conclusion

Staff have reviewed the proposed MPS amendment and advise there is merit to 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 for this application 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 District 14 and 17 MPS will potentially impact local residents.

#### 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 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 District 14 and 17 MPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

#### **ATTACHMENTS**

Мар 1:	Generalized Future Land Use
Мар 2:	Zoning and Notification
Attachment A:	Application Letter
Attachment B:	Proposed Site Development Plan
Attachment C:	Excerpts from Planning Districts 14 and 17- MPS and LUB

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

Report Prepared by: Shayne Vipond Planner III, 902.490.4335

Original Signed

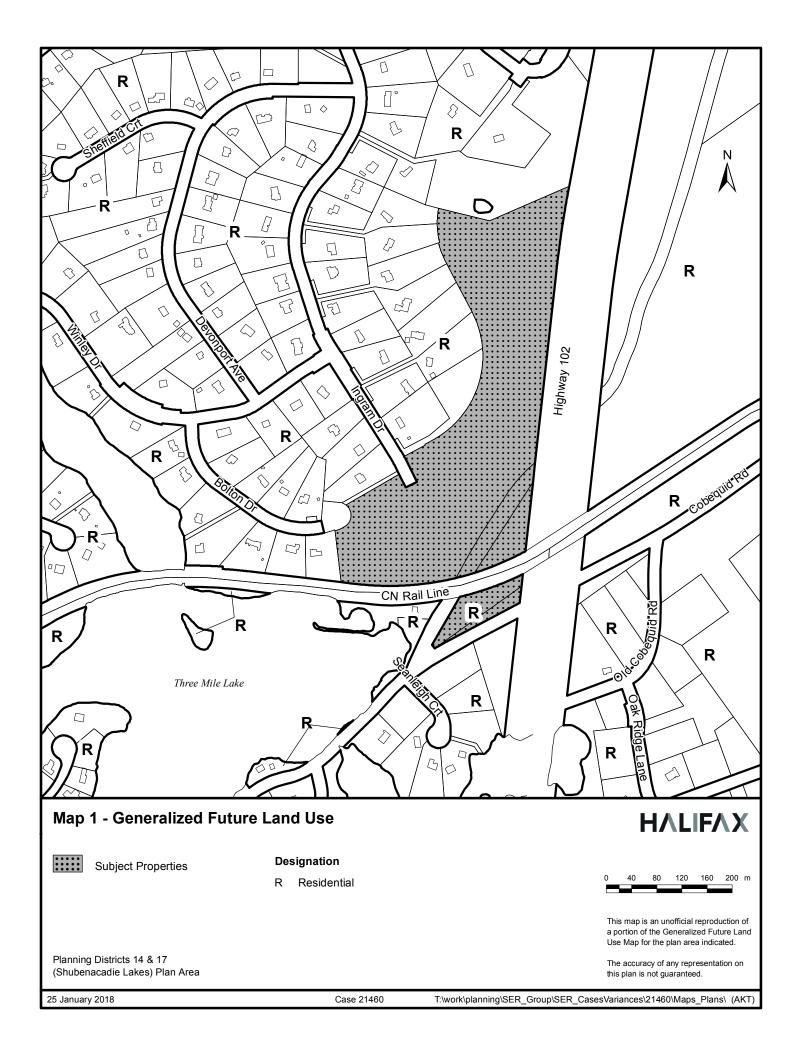
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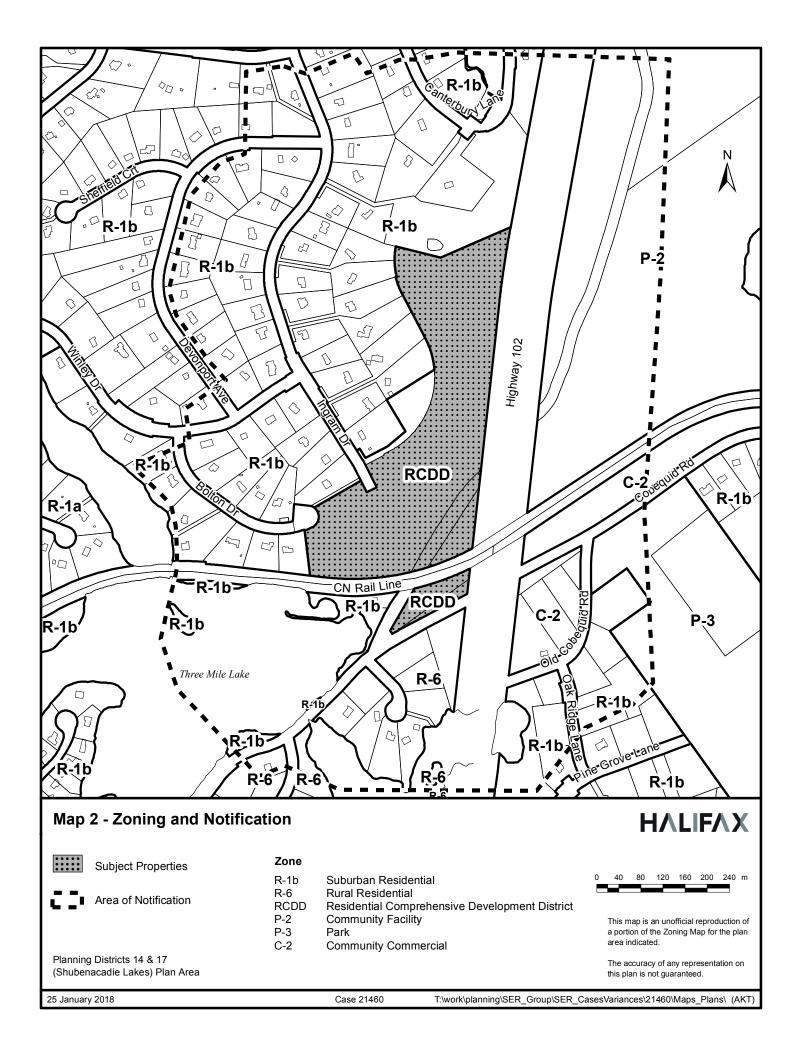
Steve Higgins, Acting Manager, Current Planning, 902.490.4382

Original Signed

Report Approved by:

Kelly Denty, Acting Director, Planning and Development, 902.490.4800





# Attachment A - Application Letter



# FALL RIVER SOUTH RESIDENTIAL DEVELOPMENT

Fall River, Halifax | Nova Scotia

January 24, 2018

# Purpose of submission

WMFares Architects is pleased to make an application for a Site Specific Plan Amendment to enable a development agreement for a residential development within the Fall River Village South Residential Opportunity Site C.

# Context, Zoning & Existing Planning Designation

The subject property is comprised of six lots (30.18 acres) zoned Residential Comprehensive Development District (RCDD) under the current Land Use By-law for Planning Districts 14/17. It is designated Fall River Village South Residential Opportunity Site C under the River-Lakes Secondary Planning Strategy. The subject property is currently undeveloped except for a hiking trail that extends from MacDonald Sports Park, and it is cut by the Canadian National Railway at the southernmost portion.

The surrounding context is low density residential development. Adjacent properties contain 2storey single family homes which were built within the last 2-3 decades. The subject property lies at the southernmost edge of Fall River Village, which borders the western edge. The north edge of the property borders on Canterbury Lane Park, Highway 102, and Cobequid Road. The subject property is currently accessible by Ingram Drive, which extends into the west side of the property and terminates.

The Municipal Planning Strategy lays out the development parameters for the site. Among its provisions is direct access to Cobequid Road, as well as incorporating the existing hiking trail as a feature within the development. Other provisions include allowance of three 3-storey multi-unit dwellings with a maximum of 40 units each (4 units per acre), a commercial development not exceeding 4,000 sq.ft., and a self-storage facility not exceeding 10,000 sq.ft of gross floor area.

Our original proposal (attached) attempted to meet all applicable policy provisions of Planning District 14/17 MPS. Upon review however, CN determined that a new crossing in this area would not be feasible due to safety issues and operational parameters. As a result, we had to amend 2

of the 16 existing policies that govern the site, which in our opinion are still consistent with the general intent of the MPS and scores higher on the compatibility requirement. The following are the requested amendments:

- Remove the requirement of connecting Ingram Drive to Cobequid Road
- Remove the provision permitting 10,000 sq.ft of self-storage facility; no longer feasible
- Remove the provision of 4000 sq.ft of commercial building; no longer feasible
- Replace the loss of commercial use with townhomes. This use would provide a good transition between the existing single-family dwellings and the permitted multi-unit residential buildings.
- Provide flexibility in the location and form of the permitted multi-unit residential buildings following good planning principles.

A detailed assessment of the existing policies is provided as part of our submission.

When considering compatibility, use, open space, and buffers, we are confident that the requested amendments will achieve a better plan than currently permitted under existing policy.

# Project Description + Design Strategies

The proposed multi-unit residential buildings are situated close to Cobequid Road and are separated from the existing single family dwellings by townhouses creating good transition in form and in height. As per the Municipal Planning Strategy, over 60% of the site will remain undeveloped to provide adequate buffering to adjacent properties. The majority of the MacDonald Park Connector Trail on the property will be preserved, and the remainder will be rerouted to connect to Cobequid Road and to Ingram Drive. In addition, all buildings will include concrete walkways around their perimeters to provide safe to and from parking lots, sidewalks, and existing trails. The removal of the connection between Ingram Drive and Cobequid will render the commercial and self storage economically unfeasible; consequentially, our proposal includes only residential uses.

We have opted to reduce the number of multi unit residential buildings from 3 to 2 while maintaining the same number of multi residential units as per the existing policies. This provides for a better concept plan including better building siting, increased building setbacks and buffering, and increased landscaped open space. Introducing townhouses is necessary to replace the loss of 2 commercial buildings and will act as a transition between the existing and proposed residential forms. This is consistent with policy RL14(d) which stipulates that *the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering.* 

# Conclusion

Thank you for considering our application. We have strived for our proposal to align with the objectives as set out by the Municipal Planning Strategy, and we look forward to working with staff on this exciting project.

## Sincerely,

ORIGINAL SIGNED

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Jacob JeBailey, Architect RAIC, NSAA, OAA, M.Arch, BEDS

WM FARES ARCHITECTS 3480 Joseph Howe Dr, 5<sup>th</sup> Floor Halifax, N.S. B3L 4H7 t. (902) 457-6676 f. (902) 457-4686

# **MPS Policy Assessment**

RL-14 A Residential Comprehensive Development District Zone shall be created under the Land Use Bylaw and applied to Site C. The Zone will permit low scale multiple-unit dwellings, townhouses, single unit dwellings or two unit dwellings or local commercial use. The Zone will also permit a self storage facility. The development shall be designed as a Classic Conservation (RC-Jun 25/14;E-Oct 18/14) Development pursuant to Policy S-17 (RC-Jun 25/14;E-Oct 18/14) of the Regional Plan. In considering such an agreement, Council shall have regard to the provisions of Policy S-17 (RC-Jun 25/14;E-Oct 18/14) of the Regional Plan and the following:

#### Built Form, Architecture and Use:

(a) that the maximum gross density is limited to 4 units per acre, the number multiple-unit buildings is limited to 3, the number of units per multiple unit building is limited to 40 units, and the height of any multiple-unit building is limited to three stories above average grade, excluding rooflines;

We wish to amend the above to permit replacing the 2 commercial buildings with townhomes. The size number and location of the townhomes will be determined through the process based on good planning principles, however the attached concept plan can be used as a guide. We also would like the flexibility of reducing the number of buildings from 3 to 2 with 60 units per building instead of 40, pending no technical issues.

(aa) that a minimum of 60% of the site is retained as open space; (RC-Jun 25/14;E-Oct 18/14)

#### In Compliance

(b) that the local commercial use shall not exceed 371 m2 (4000 sq.ft.) and the self storage facility shall not exceed ten thousand 929 m2 (10,000 sq.ft.) of gross floor area;

#### Not Applicable - self storage and commercial uses are not proposed

(c) that the self storage units may be sited anywhere on the site provided the visual impacts of the garage door openings are concealed from the travelling public or any adjacent residential uses;

#### Not Applicable

(d) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;

#### In Compliance

(e) that the elevation of any townhouse buildings shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;

#### This would be adhered to as a provision in the Development Agreement

(f) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;

#### This would be adhered to as part of the Development Agreement

(g) that the development generally conforms to the architectural provisions set out under the land use by-law;

#### This would be adhered to as part of the Development Agreement

Site Development Criteria: (a) that the landscaping is designed to create a visually attractive appearance and reduce stormwater impacts;

#### This would be adhered to as part of the Development Agreement

(b) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;

#### This would be adhered to as part of the Development Agreement

(c) that important cultural features such as trails the MacDonald Sports Park Connector Trail as illustrated on Map RL-4 are incorporated as a feature within the development;

#### This would be adhered to as part of the Development Agreement

Site Impact Controls/Assessments:

(d) that the lighting on the site is designed to prevent light pollution impacts on residential units within the site and on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;

#### This would be adhered to as part of the Development Agreement

(e) that any development situated adjacent to a low density residential development does not result in any undue adverse impacts on adjacent properties in terms of traffic or privacy conditions for those residential uses and their outdoor amenity areas;

#### In compliance

(f) the site has direct road access to the Cobequid Road;

After review, CN has determined that a new crossing in this area is not feasible, due to safety issues and operational parameters. We wish to amend the existing MPS to remove this policy.

(g) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement;

#### In compliance

(h) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed

#### This would be adhered to as part of the Development Agreement



## Attachment C - Excerpts from the Planning Districts 14/17 -- MPS and LUB

#### Site C - Fall River Village South Residential Opportunity Site

Site C is situated at the south end of Ingram Drive, in Fall River Village, near the Cobequid Road. It is a 30 acre site that was previously zoned I-3 (Light Industrial) which would have allowed a wide range of incompatible uses with the low density residential uses to the west and north of the site. The site location has the potential to become a new entry point into the Fall River Village and has sufficient land area to buffer the bulk and scale of any low scale multiple-unit dwellings or commercial uses from the low density residential development to the west and north of the site. Portions of the site were also previously zoned R-1b (Suburban Residential) and C-2 (Community Commercial).

The property will be zoned Residential Comprehensive Development District under this Secondary Planning Strategy to allow the development of low-rise multiple-units, townhouses, single unit dwellings, and two unit dwellings up to a maximum of 4 units per acre. This zone will allow consideration of a small scale local commercial convenience store and self storage buildings in association with the residential development. Like Site B, this site will require special siting and design consideration to minimize any impacts on the surrounding low density residential development. A minimum of 60% of the site shall be retained as common open space and can be used to buffer the development from lower density types of housing. Direct access to the Cobequid Road shall also be required to minimize traffic impact on Fall River Village and there shall be a maximum of three multiple-unit dwellings with a maximum of 40 units per building.

RL-14 A Residential Comprehensive Development District Zone shall be created under the Land Use By-law and applied to Site C. The Zone will permit low scale multiple-unit dwellings, townhouses, single unit dwellings or two unit dwellings or local commercial use. The Zone will also permit a self storage facility. The development shall be designed as a Classic Conservation (RC-Jun 25/14;E-Oct 18/14) Development pursuant to Policy S-17 (RC-Jun 25/14;E-Oct 18/14) of the Regional Plan. In considering such an agreement, Council shall have regard to the provisions of Policy S-17 (RC-Jun 25/14;E-Oct 18/14) of the Regional Plan and the following:

## **Built Form, Architecture and Use**

- (a) that the maximum gross density is limited to 4 units per acre, the number multiple-unit buildings is limited to 3, the number of units per multiple-unit building is limited to 40 units, and the height of any multiple-unit building is limited to three stories above average grade, excluding rooflines;
- (aa) that a minimum of 60% of the site is retained as open space; (RC-Jun 25/14;E-Oct 18/14)
- (b) that the local commercial use shall not exceed 371 m<sup>2</sup> (4000 sq.ft.) and the self storage facility shall not exceed ten thousand 929 m<sup>2</sup> (10,000 sq.ft.) of gross floor area;
- (c) that the self storage units may be sited anywhere on the site provided the visual impacts of the garage door openings are concealed from the travelling public or any adjacent residential uses;
- (d) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;
- (e) that the elevation of any townhouse buildings shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (f) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;

(g) that the development generally conforms to the architectural provisions set out under the land use by-law;

#### Site Development Criteria

- (a) that the landscaping is designed to create a visually attractive appearance and reduce stormwater impacts;
- (b) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;
- (c) that important cultural features such as trails the MacDonald Sports Park Connector Trail as illustrated on Map RL-4 are incorporated as a feature within the development;

#### Site Impact Controls/Assessments

- (d) that the lighting on the site is designed to prevent light pollution impacts on residential units within the site and on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;
- that any development situated adjacent to a low density residential development does not result in any undue adverse impacts on adjacent properties in terms of traffic or privacy conditions for those residential uses and their outdoor amenity areas;
- (f) the site has direct road access to the Cobequid Road;
- (g) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement;
- (h) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.

#### Planning District 14/17 LUB

#### PART 14F: RCDD (RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE (RC-Oct 23/12;E-Jan 12/13)

#### 14F.1 RCDD DEVELOPMENT AGREEMENT REQUIREMENTS

No development permit shall be issued for a development in a RCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

#### 14F.2 USES PERMITTED

The following uses maybe permitted in any RCDD (Village Core Comprehensive Development District Zone) Zone:

Local Commercial Uses Variety Stores Restaurant - Take-out Food Stores Offices Medical and dental offices and clinics Service and Personal Uses Craft Shops

Commercial Uses

#### Self Storage Facility

Residential Uses Multiple Unit Dwellings Townhouses Single unit dwellings Two unit dwellings

#### 14F.3 RCDD REQUIREMENTS – LOCAL COMMERCIAL FLOOR AREA

The gross floor area of any local commercial floor space on a lot in any RCDD Zone, shall not exceed 371 square metres (4000 ft $\Box$ ) and the gross floor area of any self storage facility shall not exceed 929 square metres (10,000 ft<sup>2</sup>)