


HALIFAX

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Item No. 11.1.5
Halifax Regional Council
July 29, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community & Recreation Services

DATE: July 2, 2014

SUBJECT: **Case 19158: Amendments to the Eastern Passage/Cow Bay MPS and LUB to enable mixed use development near Hines Road and Howard Avenue, Eastern Passage**

ORIGIN

Application by Armco Capital Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct staff to initiate the process to consider amending the Municipal Planning Strategy for Eastern Passage/Cow Bay in order to allow consideration of a mixed residential development on 33 acres of land on Hines Road and Howard Avenue, Eastern Passage, as shown on Map 1; and
2. Direct staff to follow the public participation program for the MPS amendment process as outlined in Attachment A of this report.

BACKGROUND

Armco Capital Inc. is proposing a mixed residential development consisting of multiple unit dwellings and townhouses on a 33.2 acre site adjacent Hines Road and Howard Avenue in Eastern Passage. This proposal cannot be considered under existing policy and zoning established in the Eastern Passage/Cow Bay MPS and LUB. As such, the applicant is seeking a site-specific amendment to the MPS, whereby the proposal may be considered by development agreement. This MPS amendment requires the initiation of a planning process by Regional Council.

Location, Designation, Zoning and Surrounding Land Use

Subject Properties	five parcels of land (PIDs 40103806, 40103780, 40103772, 40103798 and 00370429)
Location	located off Hines Road and the end of Howard Avenue adjacent to Shearwater
Lot Area	33.17 acres (13.4 hectares)
Regional MPS Designation	Urban Settlement
Community MPS Designation	Industrial under the Municipal Planning Strategy (MPS) for Eastern Passage/Cow Bay (Map 1). The designation is intended to foster continued and expanded industrial activity, and does not provide any rezoning or development agreement options for residential uses.
Zoning	zoning under the Land Use By-law (LUB) for Eastern Passage/Cow Bay is as follows (Map 2): <ul style="list-style-type: none">• R-1 (Single Unit Dwelling)• I-1 (Light Industry)• EC (Environmental Conservation)
Surrounding Land Uses	low density residential neighbourhoods to the west and east, an asphalt plant and CN's Autoport facility to the south, and DND facility at Shearwater is to the north
Current Use	vacant
Servicing Capability	located within the Urban Service boundary and capable of being serviced by municipal water and wastewater systems
Physical Characteristics	22.3 acres of the site (almost 70%) is a delineated wetland which is zoned EC

Previous Proposal

Armco submitted a previous proposal for the site in 2009 under Case 15790. The details and chronology of Case 15790 are as follows:

- Fall of 2009 - Armco submitted a proposal consisting of 254 units (three 60-unit apartment buildings and 74 townhouse units), all accessed via shared a shared driveway from Hines Road;
- December 8, 2009 - Regional Council initiated the MPS amendment process to consider designating the site as Urban Residential and applying residential zoning, and to consider appropriate amendments to any applicable residential policies of the MPS;
- March 31, 2010 - a Public Information Meeting was held by HRM;
- In response to public concerns, the developer revised the proposal by removing one of the multiple unit dwellings and reducing the overall unit count from 254 to 195;
- November 22, 2010 - a second Public Information Meeting was held;
- March 3, 2011 - a staff report was submitted to Harbour East Community Council. This report provided MPS amendments which would have enabled consideration of a mixed residential project on the site through a subsequent development agreement process. The amendments would have enabled multiple unit dwellings with more than 12 units per building by development agreement both on the subject property and throughout the Community Commercial Designation.

Harbour East Community Council did not provide a recommendation on the proposed MPS amendments to Regional Council; and

- April 12, 2011 - Regional Council held a public hearing and refused the proposed MPS amendments. The refusal was based on several concerns including lack of compatibility with adjacent neighbourhoods, traffic, density, and pedestrian traffic access. Discussion at Council indicated that the developer should work with area residents to address these concerns prior to submitting a new application to HRM.

Road Access

Although the subject site has in excess of 1,500 feet of frontage on Hines Road, most of the road adjacent to the site is owned by DND as part of Shearwater (Map 1). HRM and DND are in discussions about the possibility of the road being transferred to the Municipality. Due to this ownership issue, access to the site can only be gained where there is approximately 70 feet of frontage on the HRM-owned section of Hines Road, and where there is 60 feet of frontage at the end of Howard Avenue.

DISCUSSION

Amendments to an MPS are generally not considered unless it can be shown that circumstances warrant such a change to policy. Typically, these types of amendments require substantial justification to be considered. In this case the applicant has stated that the following points justify consideration of the proposal:

- *The Industrial Designation is no longer appropriate for the site;*
- *The proposal reflects the general intent and vision of the Regional MPS;*
- *The proposal provides improved protection of environmentally sensitive areas; and*
- *The proposal would provide improved housing diversity and affordability*

The developer's submission, including a detailed discussion of each of these points, is found in Attachment B of this report.

Existing Plan Policies

The Industrial Designation applies to the site and a large area of the community as shown on Map 1. The designation was first applied to the site in 1982, in recognition of large scale industrial expansion plans of the 1960's and 70's. The designation included several hundred residential properties, many of which were then demolished to accommodate CN's Autoport facility. About 150 residential units remain in the immediate area. Although residential zoning has been applied to these properties, the MPS supports their replacement by industrial uses and new housing is strictly limited by the existing zoning (Map 2). There is no ability for Council to consider the proposal under the existing policies of the Industrial designation, therefore MPS amendments are required.

Staff concurs with the justification provided by the applicant in Attachment B, on the basis of three key considerations which indicate that the proposal merits consideration:

- Extent of Industrial Designation: The original assumption of the MPS that both the general area and specific site would be redeveloped for industrial uses is no longer valid. With the implementation of wetland protection measures in 1997, the industrial utility of the site was greatly reduced as only small developable areas remain. New large scale industrial projects are not likely to be developed except on the waterfront, and there is a substantial base of underutilized industrial land in the community to meet future demand. A residential environment exists adjacent to the subject properties and development of the area for residential, rather than industrial uses, would respect this established residential character.

- Improved Housing Diversity: The existing housing stock in the area and broader community consists primarily of single unit and two unit dwellings, with some mobile homes, but few townhouses and multiple unit dwellings. A site-specific amendment in this area would enable consideration of a mix of housing types. The existing policy relative to multiple unit dwellings limits building size to 12 units. Economically, the construction of such small apartment buildings is less viable. Further, with an aging population, twelve-unit apartment buildings are less likely to contain elevators which would be necessary to provide appropriate accessibility for seniors. Therefore, the request to allow larger multiple units dwellings and townhouses through the site-specific amendment and development agreement process merits consideration.
- Scope of Proposal: The previous application would have resulted in MPS amendments that affected a broad area of the community. The MPS amendments rejected by Regional Council in 2011 provided for multiple unit dwellings with more than 12 units per building by development agreement both on the subject property and throughout the Community Commercial Designation. However, this proposal is a site-specific amendment to the MPS, whereby a mixed residential development may be considered on the subject site. On that basis, this application is considered to be different from the earlier proposal.

Regional Planning Context

Eastern Passage has been identified as an Urban Local Growth Centre by the new Regional Municipal Planning Strategy. Policy S-9 establishes a commitment to prepare a new secondary planning strategy for this and other communities. The Regional Plan also addresses the need to establish a new connector road linking the Mount Hope Avenue interchange on Highway 111 to Caldwell Road. The significance of this new road is that it would provide an alternative route to the Circumferential Highway for Eastern Passage and would relieve congestion on Caldwell Road and Portland Street. The road would also provide enhanced opportunities for public transit. It is intended that this road will be financed through Capital Cost Contributions levied on new developments in the area.

The Regional MPS states:

“When preparing secondary planning strategies for growth areas or amending existing ones, new infrastructure needed to accommodate the expected growth shall be considered and, where such consideration determines infrastructure charges will be imposed, such charges shall be imposed within the secondary plan through the Regional Subdivision By-law”.

A new connector road intended to link Highway 111 and Caldwell Road is required by the Regional MPS to allow significant new development to occur in much of Eastern Passage and Cole Harbour. For the connector road to be feasible, infrastructure charges will inevitably have to be imposed on new development in the area. It is possible that the Armco lands should be subject to these charges as development of the site would increase traffic levels on Caldwell Road. However, a secondary planning process and amendments to the Regional Subdivision By-law will be required to determine the area where these charges would be applicable and the amount of the charges per unit. At present, there is uncertainty as to the timing of the process, and consideration of any development on the Armco lands (other than what can be considered under existing zoning) could be deferred until such time as all lands impacted by the new road can be addressed concurrently. Notwithstanding this, consideration of residential development on the site could be advanced in the interim, on the basis that a subsequent process will confirm the applicability and amount of infrastructure charges. This would allow community consultation as to appropriate use and form on the site, in advance of determining the applicability and amount of infrastructure charges.

Public Participation Process

The community expressed concerns about the previous proposal for the site in 2010. Regional Council refused the application based on many of these concerns and discussion at Council indicated that the

developer should consult with the community prior to submitting a new concept. Rather than following the standard 1997 public participation resolution, whereby community engagement is undertaken by HRM on the basis of a submitted conceptual plan, the applicant has agreed to consult directly with the local community. Before preparing a concept plan for the site, the developer will consult with all property owners within 250 feet of the subject properties. Following this, a concept plan will be prepared and those same nearby owners will be provided an opportunity to review and to submit written comments. The results of the public consultation along with the concept plan would be provided to HRM for evaluation. A staff report will then be prepared and submitted to Harbour East-Marine Drive Community Council for consideration and recommendation to Regional Council. This modified public participation process is recommended by staff and presented in Attachment A.

Conclusion

It is the opinion of staff that a mixed residential development may be appropriate for the site, as requested by the applicant. Therefore, it is recommended that the MPS amendment process be initiated to enable public participation as per Attachment A and to enable evaluation of a detailed plan to be submitted at a later date.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/2015 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process for this proposal or to enable an alternate proposal, the HRM Charter requires that Council approve a public participation program. Staff recommends the public participation program described in Attachment A be approved which outlines the process to be undertaken for this proposed MPS amendment.

The proposed level of community engagement is consultation, achieved through two phases of direct discussions between the developer and local residents, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, developers, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the MPS.

ALTERNATIVES

1. Regional Council may choose to revise the public participation program as presented in Attachment A of this report. This may require a supplementary report from staff.
2. Regional Council may choose to defer consideration of any MPS amendments for the site until such time as a secondary planning process for Eastern Passage is commenced and infrastructure charges for the Caldwell/Highway 111 connector road are being considered.
3. Regional Council may choose to refuse to initiate the MPS amendment process. A decision not to amend the MPS is not appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning

Attachment A: Public Participation Resolution
Attachment B: Submission by Applicant

Staff Report for Case 15790 (Previous Application):

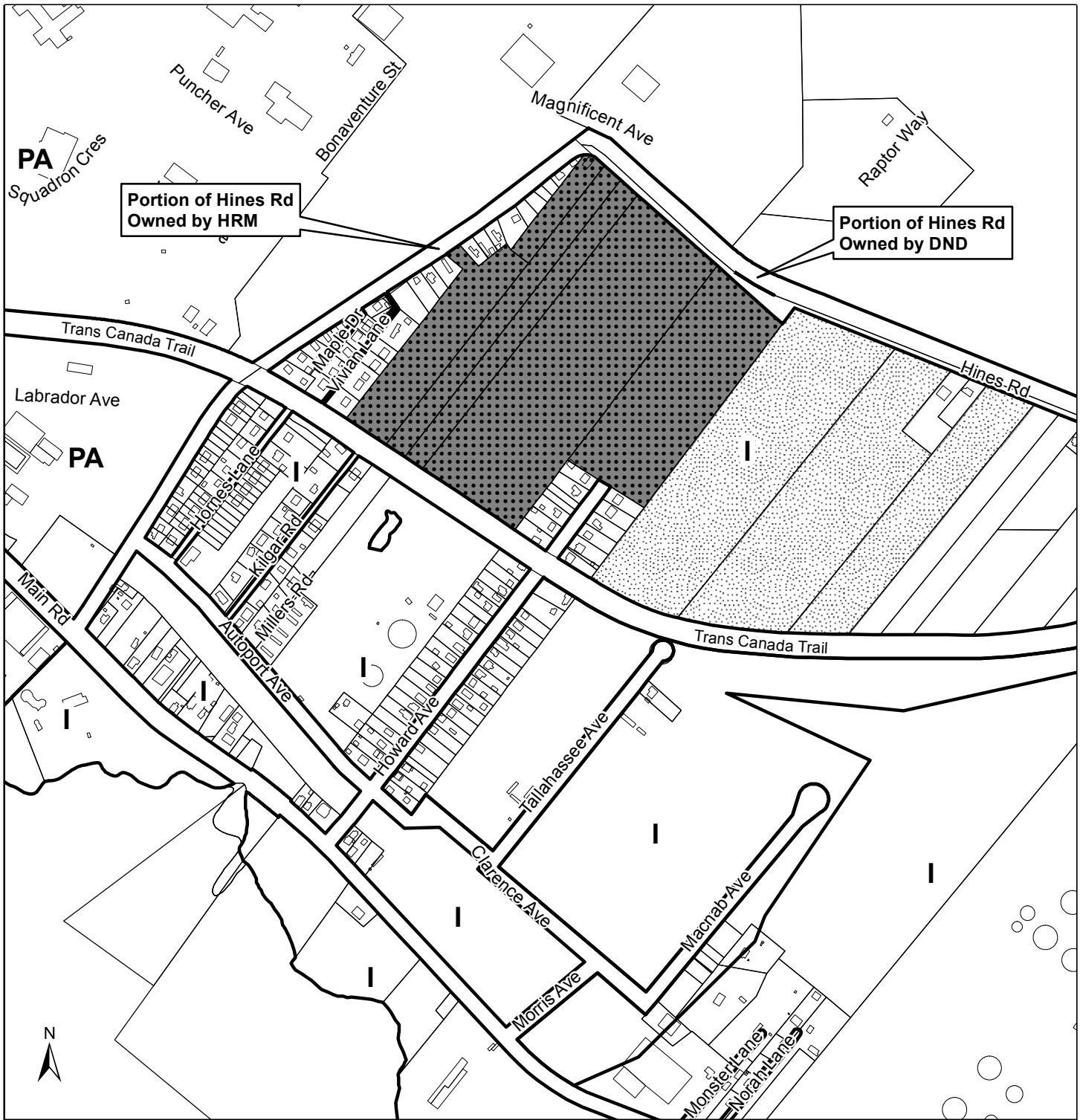
www.halifax.ca/Commcoun/hecc/documents/_0225114310_001.pdf

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mitch Dickey, Planner, 490-5719



Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 490-4800

Report Approval by: _____
for: Bob Bjerke, Chief Planner, 490-1627



Map 1 - Generalized Future Land Use

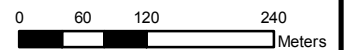
Hines Road,
Eastern Passage

-  Subject Area
-  Lands Included in Previous Application

Eastern Passage/Cow Bay
Plan Area

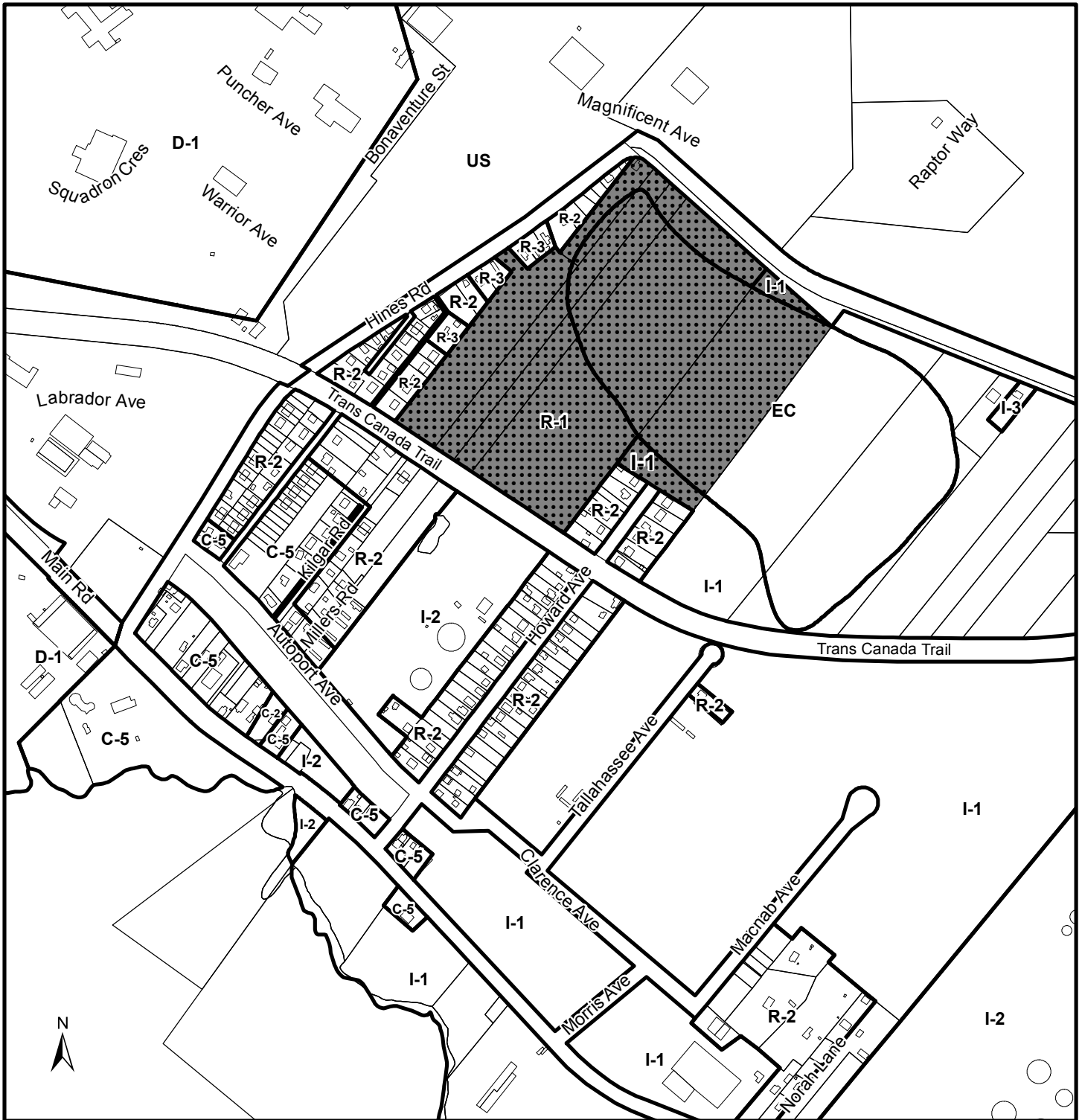
Designation

- I Industrial
- PA Plan Amendment




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.



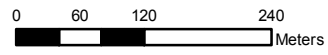
Map 2 - Zoning

Hines Road,
Eastern Passage

 Subject Area

Eastern Passage/Cow Bay
Plan Area

Zone	
R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-3	Mobile Dwelling
C-2	General Business
C-5	Mixed Use
I-1	Light Industry
I-2	General Industry
I-3	Local Service
D-1	DND
EC	Environmental Conservation
US	Urban Settlement



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

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A

Public Participation Program for Municipal Planning Strategy Amendments for Lands Located on Hines Road in Eastern Passage (Case 19158)

Purpose:

To obtain input from nearby property owners and residents regarding potential amendments to the Municipal Planning Strategy (MPS) for Eastern Passage/Cow Bay to enable a mixed residential development for lands located on Hines Road as shown on Map 2.

Jurisdiction:

Amendments to the Eastern Passage/Cow Bay MPS to enable residential development on the site will impact the local community and will require a public hearing prior to Regional Council considering the approval of any amendments. All amendments to the MPS are within the sole jurisdiction of Regional Council, however, Harbour East-Marine Drive Community Council shall review any such amendments and provide a recommendation to Regional Council.

Process:

A program for public consultation is required pursuant to the *HRM Charter* to enable community input on any MPS amendments. For the purposes of Case 19158 the following process shall apply:

- The Developer shall, prior to preparing a conceptual development plan, consult with all property owners within a minimum of 250 feet of the properties to be developed. This consultation may be on an individual basis or through a neighbourhood meeting or combination thereof;
- The Developer shall prepare a proposed conceptual development plan and provide it to the said property owners. A minimum period of two weeks is to be provided to enable written comments;
- The Developer shall submit the conceptual development plan to HRM, along with a record of the consultation process and all comments received from residents;
- HRM shall post the details of the proposal and the record of the community consultation process on its website, and through regular mail to those property owners within 250 feet of the properties to be developed, invite public comment via survey, online submissions and/or via e-mail;
- A staff report will be prepared outlining the results of the public participation process and staff's recommendation, including all required amendments, for implementing changes to the MPS for Eastern passage/Cow Bay.



May 1, 2014

Mitch Dickey, Planner
Community & Recreation Services
40 Alderney Drive
Dartmouth, Nova Scotia
B2Y 2N5

**Re: Municipal Planning Strategy & Land Use By-law Amendment and Development Agreement
Application Hines Road Property, Eastern Passage (PIDs 40103806, 40103780, 40103772, 40103798,
00370429)**

Dear Mr. Dickey,

Please accept this letter as Armco Capital Inc.'s request to amend the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to incorporate site specific policy and by-law provision allowing for the development of a comprehensively planned residential community including single family, semi-detached, townhome and multi-family buildings in excess of 12 units by development agreement. Further, that HRM enter into a development agreement to allow for a mixed-use residential community. In order to move forward with our proposed development, it is our understanding the following planning processes will have to take place:

1. Re-designation of the subject property from Industrial to Urban Residential;
2. A site specific amendment to the MPS/LUB to allow for multiple unit dwellings exceeding twelve units on the subject property through development agreement;
3. A development agreement between HRM and Armco Capital to allow for the development of a mixed use residential community.

1. Proposed MPS/LUB Amendment

Background

Armco Capital owns 82.51 acres of land in Eastern Passage, off of Hines Road. We propose to develop a residential community on approximately 8 acres over PIDs 40103806, 40103780, 40103772, 40103798 and 00370429. In order for this development to take place, amendments are required to the Eastern Passage/Cow Bay MPS and LUB.

In 2009, Armco applied for a MPS/LUB amendment to enable subsequent application for the development of the site by DA. The proposed amendments that went before council were:

- Two site specific amendments: one to have the lands designated Urban Residential; another to allow multi-unit and townhouse developments through the DA process;
- And a general amendment to allow the development of multi-unit buildings with more than 12 units within the plan area.

While HRM staff wrote a favourable report, Council voted against the amendments in April of 2011.

Community Engagement

In light of Council's decision in April of 2011, Armco Capital has committed to undertake a community engagement process, in cooperation with HRM Staff, prior to finalizing a conceptual design for the development. It is Armco's intention to incorporate comment from the community into the development with respect to building form, site planning, setbacks from existing development, open space, etc. We believe that this level of community engagement will help to create a residential development that incorporates the needs of the existing community and addresses Council's original concerns.

Site Characteristics

The properties Armco proposes to develop are located within the Eastern Passage/Cow Bay Plan area. They are designated Industrial and zoned R-1 (Single Unit Dwelling Zone), EC (Environmental Conservation) and I-1 (Light Industry Zone). Only the lands zoned R-1 will be developed. The properties are designated Urban Settlement under the Regional MPS. The lands are located entirely within the municipal service boundary.

Application Support

In our opinion, an amendment to the MPS and LUB a development agreement permitting this mixed use residential development would be appropriate for the subject property, and would more effectively meet the goals of the Regional Plan and the Eastern Passage/Cow Bay Municipal Planning Strategy. The existing Industrial designation was applied to the Hines Road lands in 1982. This assumption that the area would be developed for large scale industrial uses is no longer valid. Currently there is an abundance of underutilized Industrial designated land in the area. Given this, and that the Hines Road lands abut a well-established residential community in the vicinity of Hines Road, Vivian Lane & Howard Avenue, the lands would be much better suited for residential development. We would like to set forth the following points in support of this position:

1. **The proposal reflects the general intent and vision of the RMPS.** The Regional Plan designates this property as Urban Settlement. It is the primary intention of this designation to identify where urban forms of development will occur throughout the next 25 years. Armco's proposal for a mixed use residential community is consistent with the urban form of development as outlined in policy S-1 of the Regional Plan: *"HRM shall establish the Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years. Any development boundary established under the existing secondary planning strategies shall be replaced by the Urban Settlement Designation. The designation is intended to provide for a diverse, vibrant and liveable urban environment..."*

2. **Environment.** Environmental protection is a significant component of the RMPS. More specifically it states that: *“taking a balanced approach toward environmental protection and development is key to an environmentally and economically sustainable future... this plan aims to protect the natural environment by establishing development practices that are sensitive to water, land and air. It also aims to foster the development of an integrated system of natural areas, parks, trails and corridors to maintain ecosystem health and preserve HRMs quality of life.” (RMPS: p19).* With this in mind, this proposal clusters development on a small portion of the site near existing residential properties and active transportation corridor, allowing the remainder of the property, including Environmentally Sensitive Areas (ESA), to be protected in perpetuity.

3. **Natural Networks/Recreation.** The proposed development has been situated in a way that direct access to the Trans Canada Trail is possible. The proposed site plan incorporates open space for passive & active recreation and amenity space that will allow access to the Trans Canada Trail. This trail will provide an excellent opportunity for outdoor active recreation for the residents of this development.

4. **Housing Diversity and Affordability.** According to the Regional Plan, *“HRM Planning policy aims to support housing affordability and social inclusion by ensuring that municipal policies, regulations and process encourage efficient development and open up opportunities for diverse, innovative and well designed housing” (RMPS: p56).* Likewise, one of the key goals of the Municipal Planning Strategy is to *“establish an appropriate housing mix within the Plan Area while providing standards for the development of a variety of housing forms which meet the needs of the community’s residents” (MPS: p11).*

Despite these goals, Eastern Passage continues to offer limited housing choice, with existing housing largely limited to single family and semi-detached dwellings. The amount of new housing stock added in this area has also been limited in comparison to other regions of HRM, further limiting choice as well as overall housing quality.

In our opinion, this proposed development would offer much needed high quality yet affordable housing choice to this region of the HRM. It will help to achieve the goals of affordability, social inclusion, and greater choice of housing types envisioned by the RMPS.

Yours Truly,

ARMCO CAPITAL INC.

ORIGINAL SIGNED

Emma McCully
Planning Coordinator