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Item No. 13.1.2
Halifax and West Community Council
June 26, 2018

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *-Original Signed-*

Kelly Denty, Acting Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: May 11, 2018

SUBJECT: **Case 20762: Development Agreement for Lynnett Road, Halifax.**

ORIGIN

Application by WSP Canada Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to allow for a residential development on lands at Lynnett Road, Halifax and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the development agreement be signed by the property owner within 120 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

WSP Canada Inc. on behalf of PF Properties Ltd. has applied for a development agreement to permit a multiple unit residential building, townhouses and single unit dwellings at the end of Lynnett Road and McIntosh Street, Halifax.

Subject Site	Lynnett Road and McIntosh Street, Halifax (PIDs 40096133 and 40096364)
Location	Consists of two (2) properties with access at the end of Lynnett Road and off McIntosh Street, Halifax.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Development District (RDD) and High Density Residential (HDR) within the Mainland South Secondary Planning Strategy of the Halifax Municipal Planning Strategy
Zoning (Map 2)	RDD (Residential Development District) and R-4 (Multiple Dwelling Zone) within the Halifax Mainland Land Use By-law
Size of Site	Approximately 10.6 acres
Street Frontage	Approximately 21m along Herring Cove Road and 20m along McIntosh Street
Current Land Use(s)	Vacant
Surrounding Use(s)	Within a predominately residential neighborhood with various residential unit types including multiple unit dwellings, semi-detached and single unit dwellings.

Proposal Details

The applicant has proposed a multiple unit building, townhouses, and single unit dwellings. The major aspects of the proposal are as follows:

- A two-phased residential development containing a mix of residential dwelling types with access at the end of Lynnett Road and McIntosh Street, Halifax;
- Within Phase 1, a four (4) storey multiple unit dwelling containing a maximum of 40 units and 200 square meters of interior amenity space, and six (6) townhouses;
- Within Phase 2, two new public streets servicing six (6) single unit dwellings and twenty-one (21) townhouses; and
- A 2.3 acre protected green space at the rear of the development.

Enabling Policy and LUB Context

The subject site is designated Residential Development District (RDD) and High Density Residential (HDR) within the Mainland South Secondary Planning Strategy and is zoned RDD with a small portion zoned R-4 within the Halifax Mainland Land Use By-law (Maps 1 and 2). Policies 1.5 and 1.5.1 of the Mainland South Secondary Planning Strategy and Implementation Policy 4.4 allow Council to consider a residential development by development agreement.

COMMUNITY ENGAGEMENT

The community engagement process on this file was consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, postcards mailed to property owners within the notification area and a public open house held on October 25, 2017. The public comments received include the following topics:

- concerns regarding the upgrading of McIntosh Street;
- impacts of increased traffic on Lynnett Road; and
- construction impacts and mitigation.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact the following stakeholders: local area residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed Development Agreement

Attachment A contains the proposed development agreement and the conditions under which the development may occur. The agreement addresses the following matters:

- Permitted residential uses and phasing of the development;
- Building massing, siting, and architectural requirements;
- Landscaping and open space;
- Parking and access;
- Non-substantive amendments include:
 - changes to landscaping requirements;
 - changes to the exterior appearance of the multiple unit dwelling;
 - changes to the dwelling unit type permitted within Phase 2;
 - changes to the parking and sign requirements;
 - the granting of an extension to the date of commencement of development; and
 - the length of time for the completion of the development.

The attached development agreement will permit a residential development subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Phasing and Residential Unit Mix

The development is proposed to proceed in two phases with the first phase containing a multiple unit dwelling and townhouses. The second phase, with proposed access from McIntosh Street, will contain single unit dwellings and townhouse dwellings. Enabling policy within the MPS emphasizes the importance of providing a mix of residential unit types. Ensuring various residential types are included within each phase of the development satisfies this policy intent.

Traffic Impact and Access

A Traffic Impact Study (TIS) was submitted in support of the application and was found acceptable by HRM Engineering staff. Access to Phase 1 of the development is proposed through the existing Lynnett Street which is a maintained but unaccepted street under private ownership. In terms of street improvements, Development Engineering has indicated that Lynnett Road will require very little, if any improvements to accommodate the proposed development within Phase 1. Fire Services has indicated that the parking area for the multiple unit dwelling can be considered an improvement to the existing situation because it provides a turning loop for emergency vehicles.

McIntosh Street Upgrading

Access to Phase 2 of the development is proposed through the existing McIntosh Street. Currently, McIntosh Street is a maintained unaccepted municipal street under private ownership. This means that although HRM does not own the land, some service is provided.

There is an approved subdivision on the neighboring lands to the southeast (McIntosh Run Estates). That subdivision has yet to be fully constructed and the outstanding work includes the improvement of the portion of McIntosh Street needed to provide access to the subject property. Timing of the road improvements associated with the adjacent as-of-right subdivision is not a matter that can be regulated by the proposed development agreement. The applicant has indicated that their intention is to wait until the adjacent development commences and McIntosh Street has been upgraded and turned over to HRM before they begin Phase 2. If McIntosh Street is not upgraded, it is unlikely that Phase 2 of the proposed development will occur. In the proposed development agreement, Phase 2 development rights expire if the applicant fails to complete the development within ten (10) years from the date of registration of the agreement.

Density

Enabling policy indicates that a density of 22 persons per gross acre is appropriate for this area but Council can consider greater densities if there is municipal sewer service capacity. The current proposal is to have a maximum density of 19 persons per gross acre. This notwithstanding, Halifax Water has indicated that there are existing concerns with services in this area, in particular at Roach's Pond Pumping Station. To address this the applicant will need to provide evidence that capacity exists in the local wastewater system for the entire development at the permit stage.

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 enabling MPS policies require that the development provide a mixture of residential uses with an emphasis on providing a variety of dwelling unit types and ensuring new development adequately transitions to the surrounding neighborhood. The proposed development meets the intent of these policies and therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

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 2018-2019 budget and with existing resources.

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. Halifax and 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. Halifax and 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

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant Municipal Planning Strategy Policies

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.

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