

**Presentation(Public Hearing)**  
**Western Region Community Council**  
**February 25, 2002**

*Shae Ho, Planning Services*

**Case 00180: Application by Rob MacPherson, Armco Developments Ltd. to amend the existing development agreement for Beechville Estates subdivision.**

Location

Beechville Estates subdivision is located on the south side of the St. Margaret's Bay Road across from the Irving Service station and Lovett Lake in Beechville.

**See Overhead**

The property is approximately 80 acres in area with approximately 1600 feet frontage on Highway 3. There are single family homes, a church and a community centre in the vicinity.

History

The subdivision was developed by development agreement, and approved by the former North West Community Council in June of 1997. The applicant is seeking amendments to the final phase of the subdivision, Phase 3, as well as other minor amendments.

The original development agreement permitted a total of 448 dwellings, with a mix of small and standard single family lots, semi-detached lots, a local commercial use and 5 active and passive open space areas.

The Proposal:

The scope of this application is to amend the existing development agreement for Beechville Estates. Specifically:

**Overhead**

- Replace 60' frontage lots(minimum) with 32' frontage lots(minimum) for Phase 3, for an amended total of 440 lots (as shown on the concept plan) from the 448 lots originally approved.

**See Concept Plan**

- Recognize Ridgecliff School under the amended development agreement.
- Increase the width of the curb cuts for driveways on Beech Tree Run from 10 feet to 20 feet.
- Replace six semi-detached lots on States Lane with twelve single family lots.
- Increase the number of lots capable of being endorsed from the main entrance from 150 to 162.
- Other minor amendments, which were part of the Phase 1 and Phase 2 final approvals,

*registered  
at Registry  
of Deeds*



including reconfiguring the sizes of Park E and Park A and permitting certain encroachments in the front yard setback.

### Designation & Zoning

The property is located within the Timberlea/Lakeside/Beechville Plan Area. The property is designated Urban Residential and zoned CDD(Comprehensive Development District).

### Policy Analysis:

Policies that apply are Policies UR-12, IM-11, and IM-12 Analysis of these policies is found in the staff report.

Generally, these policies are concerned with the following:

- land uses, phasing, public lands, adequacy of central sewer & water, storm water and drainage, adequacy of school, recreation & community facilities, roads & traffic, parking, suitability of site in terms of environmental concerns.

The staff report: (highlights) FYI

1. As mentioned in the staff report, the developer's original proposal contemplated replacing the minimum 60' frontage lots in Phase 3 with minimum 32' frontage lots. In response to the concerns raised from the residents at the PIM and staff's site design concerns, the applicant agreed to forego the 32' lots for minimum 40' lots. The draft DA stipulates as such.

See Schedule

2. The applicant is seeking to replace six semis with twelve singles. An amendment is required because there is a clause in the existing DA which requires a minimum of 10 consecutive units of the same type on a side of the street. This was included in order to establish a consistency of housing form at street level. Replacing the semis with the singles will result in less than 10 consecutive units on both side of the streets, with two semis on their on one side and 4 semis on the other. Thus, staff does not recommend replacing the six semis with twelve singles.

on state lane @ L.C.  
(  
See Schedule

3. Mentions in the report that the local business use site on Beech Tree Run at the entrance to the school is no longer contemplated, as the concept identifies this parcel as "remaining lands". It has been clarified by the Developer that a local business use is still contemplated for that parcel. Nothing in the amended development agreement(Attachment III) that prevents the development of the site as a local business use.

See concept



4. Typo in Section 3(a) of the proposed amending agreement. As mentioned in the staff report, the maximum number of dwelling units that can be permitted/serviced is 445, not 440 as indicated. Section 3(a) should therefore read "The maximum number of dwelling units permitted shall not exceed 445 dwellings".

**Summary and Conclusion:**

The proposal satisfies the policies in the Timberlea/Lakeside/Beechville Municipal Planning Strategy as contained in Policies UR-12, IM-11 and IM-12.

Staff therefore recommends adopting the draft development agreement, with the proposed amendments as follows:

- Replacing 60' frontage lots(minimum) with 40' frontage lots(minimum) for Phase 3(for an amended total of 440 lots as shown on the concept plan from the 448 lots originally approved);
- Recognizing Ridgecliff School;
- Increasing the width of the curb cuts for driveways on Beech Tree Run to approximately 16 feet;
- Increasing the number of lots capable of being endorsed from the main entrance from 150 to 162;
- Reconfiguring the sizes of Park E and Park A; and
- Permitting certain encroachments in the front yard setback.

Staff does not recommend replacing the 6 semi-detached lots with twelve single lots on States Lane at Loppie Close.




**HALIFAX**  
REGIONAL MUNICIPALITY

Western Region Community Council  
January 28, 2002

TO: Western Region Community Council

SUBMITTED BY:

  
Paul Dunphy, Director, Planning & Development Services

  
Grace Ho, Planner, Planning Services

DATE: December 30, 2001

SUBJECT: **Case 00180 - Application to amend the existing development agreement for Beechville Estates, Beechville**

**ORIGIN**

Application by Robert MacPherson of Armco Capital Corporation to amend the existing development agreement for Beechville Estates, Beechville.

**RECOMMENDATIONS:**

It is recommended that Western Region Community Council:

1. Give Notice of Motion to consider an application by Armco Capital Corporation to amend the development agreement for Beechville Estates, and schedule the public hearing for February 25, 2002;
2. Approve the amending agreement, attached as Attachment III, with the condition that the six semi-detached lots not be replaced with twelve single lots on States Lane at Loppie Close as shown on Schedule "B" of the development agreement;
3. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

## BACKGROUND

Beechville Estates subdivision is located on the south side of the St. Margaret's Bay Road across from the Irving Service station and Lovett Lake in Beechville. It is located within the Timberlea/Lakeside/Beechville Plan Area. The property is designated Urban Residential and zoned CDD(Comprehensive Development District)(Attachment I).

The subdivision was developed by development agreement, and approved by the former North West Community Council in June of 1997. The applicant is seeking amendments to the existing development agreement. The original development agreement permitted a total of 448 dwellings, with a mix of small and standard single family lots, semi-detached lots, a local commercial use and 5 active and passive open space areas.

Phase 1 of the subdivision has been constructed. Phase 2 of the subdivision has received final subdivision approval, but has not yet been constructed. In total, approximately 390 lots have received final subdivision approval as part of Phase 1 and Phase 2. The applicant is seeking amendments to the final phase of the subdivision, Phase 3, as well as other minor amendments.

The property is approximately 80 acres in area with approximately 1600 feet frontage on Highway 3. There are single family homes, a church and a community centre in the vicinity.

### Public Comment

A public information meeting was held on June 13, 2001. The minutes of the meeting are attached as Attachment IV.

## DISCUSSION

### The Proposal:

The proposed amendments to the existing development agreement include the following:

1. Replace 60' frontage lots(minimum) with 32' frontage lots(minimum) for Phase 3, for an amended total of 440 lots (as shown on the concept plan) from the 448 lots originally approved.
2. Recognize Ridgecliff School under the amended development agreement.
3. Increase the width of the curb cuts for driveways on Beech Tree Run from 10 feet to 20 feet.
4. Replace six semi-detached lots on States Lane with twelve single family lots.
5. Increase the number of lots capable of being endorsed from the main entrance from 150 to 162.
6. Other minor amendments, which were part of the Phase 1 and Phase 2 final approvals, including reconfiguring the sizes of Park E and Park A and permitting certain encroachments in the front yard setback.



The applicable policies of the Timberlea/Lakeside/Beechville plan for the Beechville Estates CDD are UR-12, IM-11 and IM-12. There are also portions of other policies in the plan which are relevant and are noted as appropriate. These have been included as Attachment V.

Following is an analysis of the relevant policies:

*UR-12 With reference to Policy UR-11, and as provided for by the development agreement sections of the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify;*

*(a) the types of land uses to be included in the development;*

The existing development agreement permits residential development consisting of single family dwellings and two unit semi-detached dwellings, community open space and a local business use. Ridgecliff School, which was constructed under the Provincial P-3 school construction program in 1999, was not contemplated in the original development agreement. The proposed amendments seek to include the school as a use in the subdivision. As a result of the construction of the school, the local business use was not constructed. It is the intention of the applicant to remove the local business use from the agreement. The amended concept plan is shown as Attachment I.

#### Small Lot Singles

The applicant is seeking amendments to Phase 3 which would permit the creation of minimum 32 feet frontage lots. The Developer has indicated that the primary market for Beechville Estates is for narrow lots. The original development agreement specifies that the lots in this phase are to be a minimum of 60 feet frontage, hence the request for amendment.

While Staff is not adverse to the narrow lot, Staff is recommending a minimum lot frontage of 40 feet, not the 32 feet as requested by the applicant. The rationale for the minimum 40 foot lots lies in the Discussion Paper "Traditional Neighbourhood Design - A New Approach for Small Lots" which was researched and written by Planning Services in 1997 and presented to Regional Council the following year.

In particular, the basis for the minimum 40 foot lot frontage relates to site plan considerations including on-site parking, adequate side yards, and house siting. Assuming a standard 26 foot wide house and a ten foot wide driveway, four feet is left for a side yard. Four feet is considered adequate separation for maintenance, fire protection(equipment access) and drainage. The 10 foot wide driveway ensures that there is enough space alongside the house to park a car, which is a reality in today's two car households.

Staff's opinion is that the 40 foot minimum represents the best compromise in terms of site design and the applicant's marketability concerns. This would result in a balance in terms of housing affordability, infrastructure costs and site design.

In response to the concerns raised from the residents at the public information meeting and staff's site design concerns, the applicant has agreed to forego the minimum 32 foot frontage lot for the minimum 40 foot frontage lot in Phase 3. The draft development agreement stipulates as such.

### Replacing Semis with Singles

The applicant is also seeking to replace six semi-detached lots ("C" lots) on States Lane at Loppie Close with twelve single family lots ("B" lots) (Schedule "B" of Attachment III). An amendment is required because there is a clause in the existing development agreement which requires a minimum of ten consecutive units of the same type on a side of the street. Replacing the "C" lots with the "B" lots will result in less than ten consecutive units on both sides of States Lane at Loppie Close, with two semi-detached lots on their own on one side of States Lane and four semi-detached lots on the other side of States Lane.

This minimum ten consecutive units of the same type on a side of the street was included in order to establish a consistency of housing form at streetlevel. Thus, in order to achieve this, staff does not recommend substituting the semi-detached lots with single family lots on States Lane at Loppie Close.

(b) *the general phasing of the development relative to the distribution of specific housing types or other uses;*

The existing development agreement outlined that Beechville Estates was to be developed in three phases, based on the phasing of the internal street network. As previously mentioned, Phases 1 and 2 have received final subdivision approval. Phase 3 is remaining.

Under the existing agreement, up to 150 lots can be approved from one access. This clause was included in order to encourage the internal connection between Beech Tree Run and Sheppard's Run and to encourage the 2<sup>nd</sup> access off the main highway.

The applicant has requested that an additional 12 lots be capable of being endorsed off the main access, bringing the endorsement to a total of 162 lots.

A traffic analysis has been submitted by the applicant for review by HRM Traffic and Transportation Services. The scope of the analysis included a left turn lane traffic assessment from St. Margaret's Bay Road (Highway 3) travelling westward to Beechville Estates. Left turn lane storage requirements were calculated to ensure that storage requirements for the twelve additional units and the school could be accommodated. In addition the build-out storage requirements were determined to check that the ultimate needs have not significantly changed from previous findings.

Based on the submitted analysis, HRM Traffic & Transportation Services has advised that endorsing an additional 12 lots off the main entrance can be permitted. As such, staff recommends an amendment to the development agreement to permit an additional 12 lots to be endorsed from the main entrance, for a total of 162 lots. The development agreement has been amended accordingly.

(c) *the distribution and function of proposed public lands;*

The original development agreement specified five public open spaces in the subdivision, ranging in size from 17,000 square feet to 202,000 square feet. As part of the subdivision approval process for Phases 1 and 2, changes to the open space areas were made. The applicant is seeking to incorporate these changes in the amended development agreement. Specifically, the applicant is seeking to reduce Park E from 202,000 square feet to 178,800 square feet and increase the size of Park A from 106,000 square feet to 233,909 square feet. Approximately four acres of Park A is conservation area, as opposed to active parkland.

As a result of the increased number of lots in Phase 3, the size of Park D has been increased by approximately 7,100 square feet to accommodate the additional neighbourhood users on the street, should the amendment be approved.

(d) *any specific land use elements which characterize the development;*

The specific land use elements which characterize this development is the small lot single family dwelling, as previously discussed.

(e) *that new multiple unit dwellings have direct access to a major collector road as identified subject to the provision of Policy TR-3.*

There are no multiple unit dwellings proposed as part of the amendments.

(f) *that industrial and general commercial uses be excluded;*

There are no industrial or general commercial uses proposed as part of the amendments.

(g) *matters relating to the provisions of central sewer and water services to the development;*

The density of this development has been limited to 17 ppa based on the capacity limits of the plan area for central sewer and water services. The clause regarding servicing on the lands still apply as per the original development agreement. The proposed amendments do not affect the capacity calculation, as school usage has been accounted for.

The total number of dwelling units is decreasing from 448 to 440 units, as shown on the concept plan. The applicant has provided usage calculations for the school, which was not contemplated in the original development agreement. Development Engineering has reviewed these figures. According to Development Engineering, there is sufficient sewer and water capacity for a total of 445 units. As a result of capacity being allocated to the school and the minimum 40 foot frontage lots, the total number of dwelling units the Developer is seeking approval for is 440. However, subject to final survey, there may be room for a few more lots. Given that there is sufficient capacity for 445 lots, the development agreement stipulates that the maximum number of dwelling units shall

not exceed a total of 445 lots. All proposed lots must meet the minimum lot requirements as stipulated in Section 4 of the development agreement.

- (h) *provisions made for the proper handling of storm water and general drainage within and from the development; and*

The clause regarding sedimentation and stormwater discharge as outlined in the original development agreement are still applicable.

- (i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.

### Wider Curb Cuts

As a result of problems between neighbours with regard to maintenance and access because of the narrow "Y" driveway as stipulated by the development agreement, the applicant has requested that the curb cuts for driveways on Beech Tree Run be increased from 10 feet as stipulated in the existing development agreement to 20 feet.

Development Engineering has advised that any future lots to be subdivided off Beech Tree Run must contain a shared driveway access, to a maximum permitted width of 5 m (16.4 ft) as per By-law S-300. The draft development agreement has been amended accordingly.

### Encroachments in the Front Yard Setback

The applicant has requested that the development agreement be amended to stipulate that an entry landing (maximum size to be outlined in the development agreement) and front steps be permitted to encroach within the front yard setback.. Development Services has advised that this has been a standard interpretation under the "Permitted Encroachments" section of all the former Halifax County Land Use Bylaws since April 2000. As such, an appropriate section regarding encroachments has been included in the draft development agreement.

*IM-11 Within the Urban Residential Designation, according to Policies UR-12 and UR-13, Comprehensive Development Districts for mixed residential, local commercial, general commercial and community facility uses shall only be considered subject to the entering into of a development agreement or agreements, according to the Planning Act.*

The application is in keeping with this policy as it is an amendment to the existing development agreement.

*IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:*

- (a) *that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.*

As with the original development agreement, the proposed amendments do not affect the fact that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations, except where they were specifically waived as per the original development agreement. In particular, the Subdivision Bylaw regarding sidewalks and the Land Use Bylaw regarding lot requirements were varied as part of the original development agreement.

- (b) *that the proposal is not premature or inappropriate by reason of:*  
(i) *the financial capability of the Municipality to absorb any costs relating to the development;*

The proposed amendments do not result in the Municipality absorbing any costs relating to the development.

- (ii) *the adequacy of sewer and water services;*

The proposed amendments do not impact the adequacy of sewer and water services to handle this development as it is to be built to the density standards as previously discussed.

- (iii) *the adequacy or proximity to school, recreation or other community facilities;*

Ridgecliff Middle School, which was not contemplated in the original development agreement, was constructed in the subdivision in 1999. The school is available for bookings to the general community for a fee. Parks A, C and E have been deeded to the Municipality. There is a tot playground on Park C. As a result of the transfer of lots from St. Margaret's Bay Road and also the lack of cost-sharing funds, the frontage of Park E along Beech Tree Run has been reduced.

As a result of increasing the number of lots in Phase 3 by reducing the minimum lot frontage, the size of Park D has been increased by approximately 7100 square feet.

- (iv) *the adequacy of road networks leading or adjacent to, or within the development; and*

The total number of dwelling units has decreased from 448 dwelling units to 440 dwelling units. As previously outlined, the applicant has submitted a traffic analysis regarding the left turning lane travelling westbound from St. Margaret's Bay Road.

The second access from St. Margaret's Bay Road across from the former Irving gas station as stipulated in the original development agreement is still planned as is the future connection to the East Collector. It is anticipated that the construction of the second entrance off St. Margaret's Bay Road will commence in the Spring of 2002.

The internal road configuration has been altered slightly from the layout of the original development agreement. As a result of the construction of the school, two cul-de-sacs off Beech Tree Run (Street "F" and Street "G") were eliminated. The concept plan has been amended accordingly.

- (v) *the potential for damage to or for destruction of designated historic buildings and sites.*

Staff is not aware of the presence of any designated historic sites on or in the vicinity of the lands.

- (c) *that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:*
  - (i) *type of use;*
  - (ii) *height, bulk and lot coverage of any proposed building;*

The types of uses being requested remain the single family and two family units, which are consistent with the type of development in the immediate area. The provisions of the original development agreement remain unaffected as a result of the proposed amendments.

- (iii) *traffic generation, access to and egress from the site, and parking;*

Traffic generation and access and egress to Beechville Estates has been discussed in UR-12 and IM-12. With regards to parking, the original development agreement contemplated the provision of parking in conjunction with the proposed commercial area, which was not realized because of the construction of the school.

Parking is available at the school site and on-street on Beech Tree Run.

Should the curb cuts be widened from 10 feet to approximately 16 feet as stipulated in the draft development agreement, some on-street parking on Beech Tree Run will be eliminated. However, additional parking for residents will be created in the expanded driveways.

- (iv) *open storage and outdoor display;*

No open storage or display is anticipated.

- (v) *signs; and*

No signs are anticipated.

- (vi) *any other relevant matter of planning concern.*

See UR-12 (i).

- (d) *that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.*

The peat bog in Park A has been designated as conservation area. Development rights were transferred from St. Margaret's Bay Road to the interior of the subdivision as a result of stopping sight distance deficiencies on St. Margaret's Bay Road.

#### **Summary and Conclusion:**

The proposed amendments satisfy the policies of the Timberlea/Lakeside/Beechville Municipal Planning Strategy. Staff recommends adopting the draft development agreement, with the proposed amendments as follows: Replacing 60' frontage lots(minimum) with 40' frontage lots(minimum) for Phase 3(for an amended total of 440 lots as shown on the concept plan from the 448 lots originally approved); Recognizing Ridgecliff School; Increasing the width of the curb cuts for driveways on Beech Tree Run to approximately 16 feet; Increasing the number of lots capable of being endorsed from the main entrance from 150 to 162; Reconfiguring the sizes of Park E and Park A; and permitting certain encroachments in the front yard setback.

Staff does not recommend replacing the six semi-detached lots on States Lane with twelve single family lots.

#### **BUDGET IMPLICATIONS:**

None.

#### **MULTI-YEAR FINANCIAL IMPLICATIONS:**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

#### **ALTERNATIVES:**

1. Western Region Community Council can approve the amended development agreement (Attachment III) including replacing the six semi-detached lots with twelve single lots on States Lane at Loppie Close, as proposed by the applicant.
2. Western Region Community Council can approve the development agreement (Attachment III) without replacing the six semi-detached lots with twelve single lots on States Lane at Loppie Close. This is the recommended course of action.

**ATTACHMENTS**

- I Existing Zoning
- II Concept Plan
- III Proposed Amending Development Agreement with
  - Schedule "A": Concept Plan
  - Schedule "B": Replacing Semi-detached lots with Single Lots on States Lane
  - Schedule "C-1" and "C-2" Encroachments
- IV Minutes from Public Information Meeting held November 21, 2001
- V Additional policies from Timberlea/Lakeside/Beechville Municipal Planning Strategy

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Grace Ho, Planner, 490-4499





Existing Zoning  
**Beechville Estates**  
 Timberlea/Lakeside/Beechville Plan Area

 Subject Area



- R-1 Single Unit Dwelling
- C-2 General Business
- I-1 Light Industry
- P-2 Community Facility
- CDD Comprehensive Development District



Note: This is an unofficial reproduction of a portion of the zoning map for the Timberlea/Lakeside/Beechville plan area. HRM does not guarantee the accuracy of any representation on this plan.

**ARMCO CAPITAL CORP.**  
A PUBLICLY TRADED COMPANY

# BEECHVILLE ESTATES

BEECHVILLE, HALIFAX REGIONAL MUNICIPALITY

**CONCEPT PLAN  
REVISION 2.2**

JANUARY 14, 2002

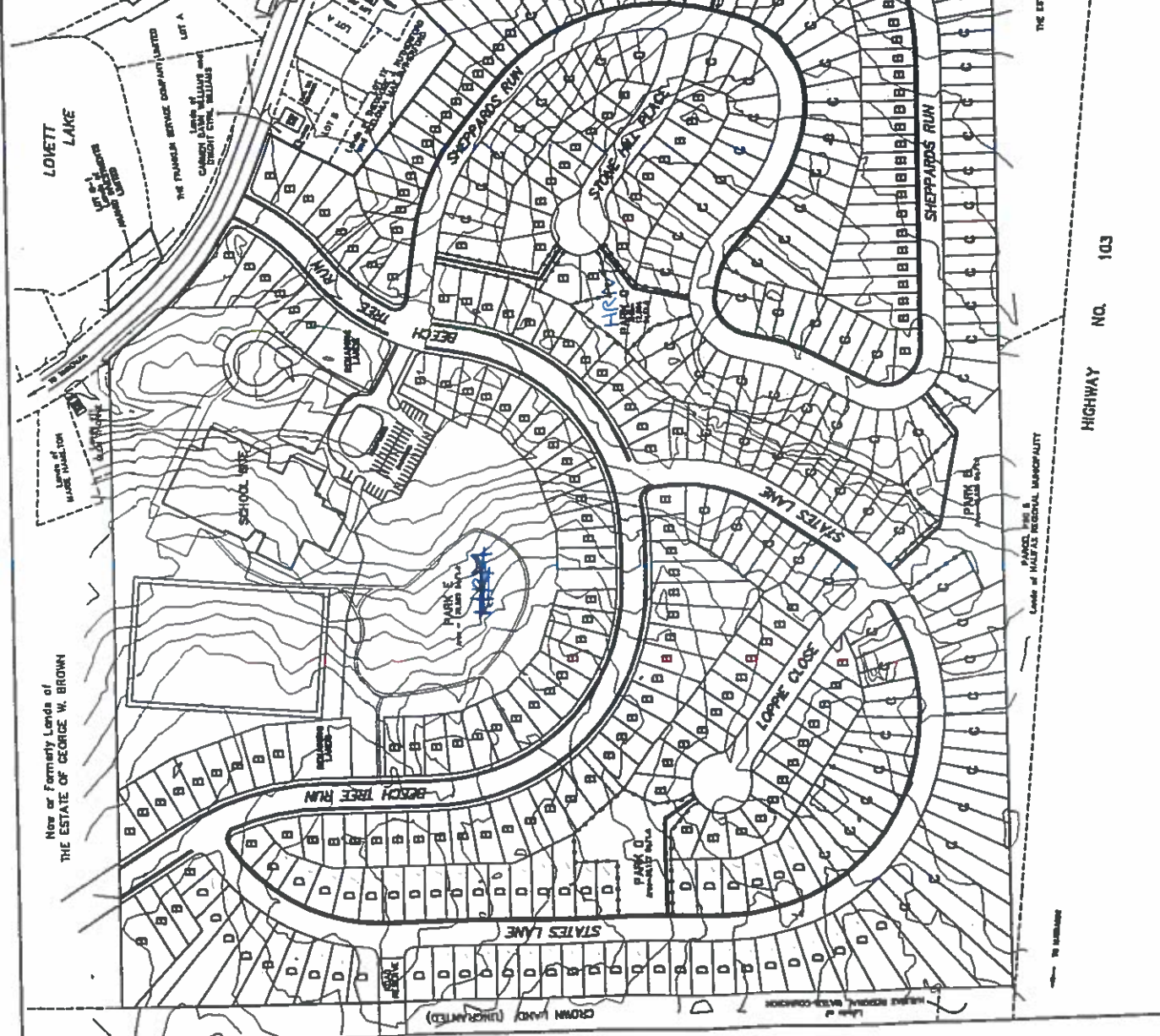
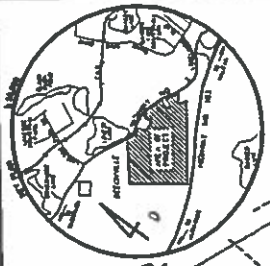
SCALE: 1/4" = 100' FEET  
CONTAINS FROM FIELD SURVEY; ACCURACY OF FEET

NUMBER OF UNITS BY TYPE		
UNIT TYPE	NO. OF UNITS	NO. OF LOTS
A	12	12
B	180	180
C	172	172
D	83	83
E	111	111
F	448	448
<b>TOTAL</b>	<b>606</b>	<b>606</b>

ALSO SEE UNIT LISTS TO THE PLAN SHEETS OF 448.23.1

OPEN SPACE CALCULATIONS	
AREA OF LOTS AND COMMON LOTS	443.3 ACRES
COMMON AREA	78.8 ACRES
OPEN SPACE & PARKLAND AREA	112.0 ACRES
ROADS, ETC.	5.4 ACRES
TOTAL OPEN SPACE, COMMON & PARKLAND AREA	196.2 ACRES

LEGEND:  
CONCRETE DRIVEWAYS  
ASPHALT DRIVEWAYS  
PAVED DRIVEWAYS



Now or Formerly Lands of THE ESTATE OF GEORGE W. BROWN

LOVETT LAKE

HIGHWAY NO. 103

THE ESTATE OF ANDREW HAMILTON

THE ESTATE OF MALETA REGIONAL MUNICIPALITY

TO BROWN