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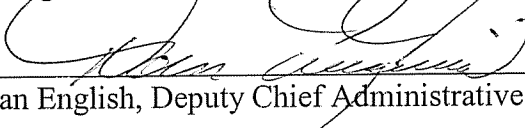
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Halifax Regional Council
January 25, 2005

To: Mayor Kelly and Members of Regional Council

Submitted by:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

Date: January 17, 2005

SUBJECT: Case # 00749 - Amendment to the Pinecrest/ Highfield Park
Secondary Planning Strategy, Dartmouth

ORIGIN

Application by *Adsum for Women & Children* to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to enable a development agreement to permit construction of an 8 unit multiple dwelling to house women and children in transition at 101 & 103 Albro Lake Road and 250 Victoria Road (*Adsum Court*) (see Map 1). Presently, HRM owns 101 Albro Lake Road and is making preparations to sell the property to the applicant, however the sale of this site is contingent upon receiving planning approval.

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1. Initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to permit a site specific policy amendment for the construction of an eight unit multiple dwelling at 101 & 103 Albro Lake Rd;**
- 2. Request staff to follow the public participation program as approved by Council in February, 1997.**

BACKGROUND

The Proposal:

The subject property includes lands known municipally as 250 Victoria Road and 101 and 103 Albro Lake Road, under current and potential future ownership of *Adsum for Women & Children*. An application has been received from *Adsum* to construct an 8 unit apartment building on this site (see Attachment A). The applicant proposes to expand *Adsum Court*, their current facility at 250 Victoria Rd., by constructing a new eight unit building on the adjoining properties at 101 and 103 Albro Lake Road. Presently, HRM owns 101 Albro Lake Road and is making preparations to sell the property to the applicant, however the sale of this site is contingent upon receiving planning approval.

The subject property is designated Residential and zoned R-1M under the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth (see Maps 1 & 2). The current zoning specifically prohibits multiple unit dwellings in this location (see Attachment B). In order to construct the facility, an amendment to the MPS and LUB is required.

The Pinecrest/Highfield Park area was the subject of a neighbourhood planning initiative undertaken by the City of Dartmouth in the late 1980's. As rationale in support of this application, *Adsum* has cited a contradiction between the 1991 *Neighbourhood Plan's* recommendation to retain the previous Residential Three (R-3) Zone for the subject lands and a staff recommendation to downzone the entire area to R-1M. The applicant has undertaken, on its own initiative, two hold neighbourhood meetings to gauge community response to erect an apartment building on this site and has received a favourable response.

MPS Policy and Zoning:

In 1990, Dartmouth City Council commissioned *Sperry/MacLennan Architects & Planners* to undertake a study of the Pinecrest/Highfield Park area as the basis for amending the Dartmouth MPS and LUB. The *Neighbourhood Plan* identified a number of problematic conditions including, but not limited to, an over-concentration of medium density apartment buildings permitted under the Residential Three (R-3) Zone which applied to a large part of the area. The study sought to outline solutions to the growing problem of urban blight, as many of these rental buildings had fallen into a state of disrepair.

The Neighbourhood Planning document promoted the application of a Residential One Modified (R-1M) Zone with small lots (2,800 square feet). The rationale for this revised zoning was to create conditions that would encourage single detached development for home ownership—a direct counter to the rental driven market that predominated in the area. As a result, no new apartment buildings are permitted in the three-block area known as the Highfield Park/Pinecrest neighbourhood.

Recently, however, questions have been raised as to the decision not to adopt all of the Neighbourhood Planning study's recommendations. In particular staff recommended, for reasons of

land use continuity, not to exempt the properties at the corner of Victoria Road and Albro Lake Road from the modified R-1M zone. Council ultimately approved staff's recommendation when it adopted new MPS policies for the Pinecrest/Highfield Park area in 1991.

DISCUSSION

Amendments to the MPS are not routine applications in the way that rezoning and development agreement applications are. The Municipal Government Act contemplates applications for rezoning and development agreements and sets out procedures for a municipality to follow, including provisions for an appeal of Council decisions. While there is an ability for Council to amend its MPS, it is under no obligation to do so. Therefore the decision to amend or not to amend cannot be appealed. Nonetheless, the decision to amend can be justified if the proposal is consistent with the overall intent and vision for the area and if changing circumstances warrant a further review of the policy. Other considerations for change concerning this application include:

- 1) **the benefit to the community by revising existing policy on a site specific basis,**
- 2) **impacts to the integrity of MPS and R-1M zone by making such a change; and,**
- 3) **community acceptance of the proposal and desire for change to this specific location**

Staff acknowledges that the MPS policy is quite specific in its objective to restrict the further development of apartment buildings at this location (Attachment B). However, in staff's opinion, the two community meetings held by Adsum have established preliminary support to warrant a review of the MPS policy. However, given the stated intention of the 1991 MPS policies, staff feels that such a review of the existing policy should be confined to this site *only*. One approach to be considered is to establish site-specific MPS policy in order to enable a development agreement to be considered for the proposed development. Criteria for considering a development agreement could be developed in conjunction with community consultation to be undertaken as part of the public participation process for this application.

Conclusion

Staff recommends that Council authorize initiation of the secondary planning amendment in accordance with the aforementioned recommendation to obtain a formal community response to Adsum's proposal.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

The following alternatives are identified:

1. Council may choose to initiate the process to consider MPS amendments as outlined in this report. This is the recommended alternative.
2. Council may choose to refuse to initiate amendments to the MPS. A decision by Council to approve or refuse an application to amend its MPS is final and is not subject to appeal to the NS Utility and Review Board.
3. Council may choose to include or exclude additional lands as part of this review.

ATTACHMENTS

Map 1- Generalized Future Land Use Map

Map 2- Location & Zoning Map

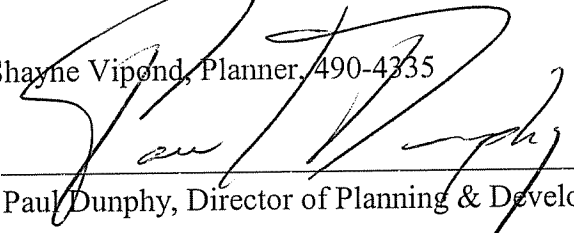
Attachment A -- Site Plan

Attachment B -- Relevant Secondary Planning Strategy Policy and Land Use By-law Regulations

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: Shayne Vipond, Planner, 490-4335

Report Approved by: _____


Paul Dunphy, Director of Planning & Development Services




**Map 1
Generalized Future
Land Use**

 **Subject Properties**
Residential Designation



 Residential Designation

 Commercial Designation

 Pinecrest Highfield Park Secondary
(Neighbourhood) Planning Strategy
Boundary



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




**Map 2
Zoning + Location**

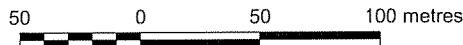
 **Subject Properties**
R-1m Single Family (Modified)
Residential Zone



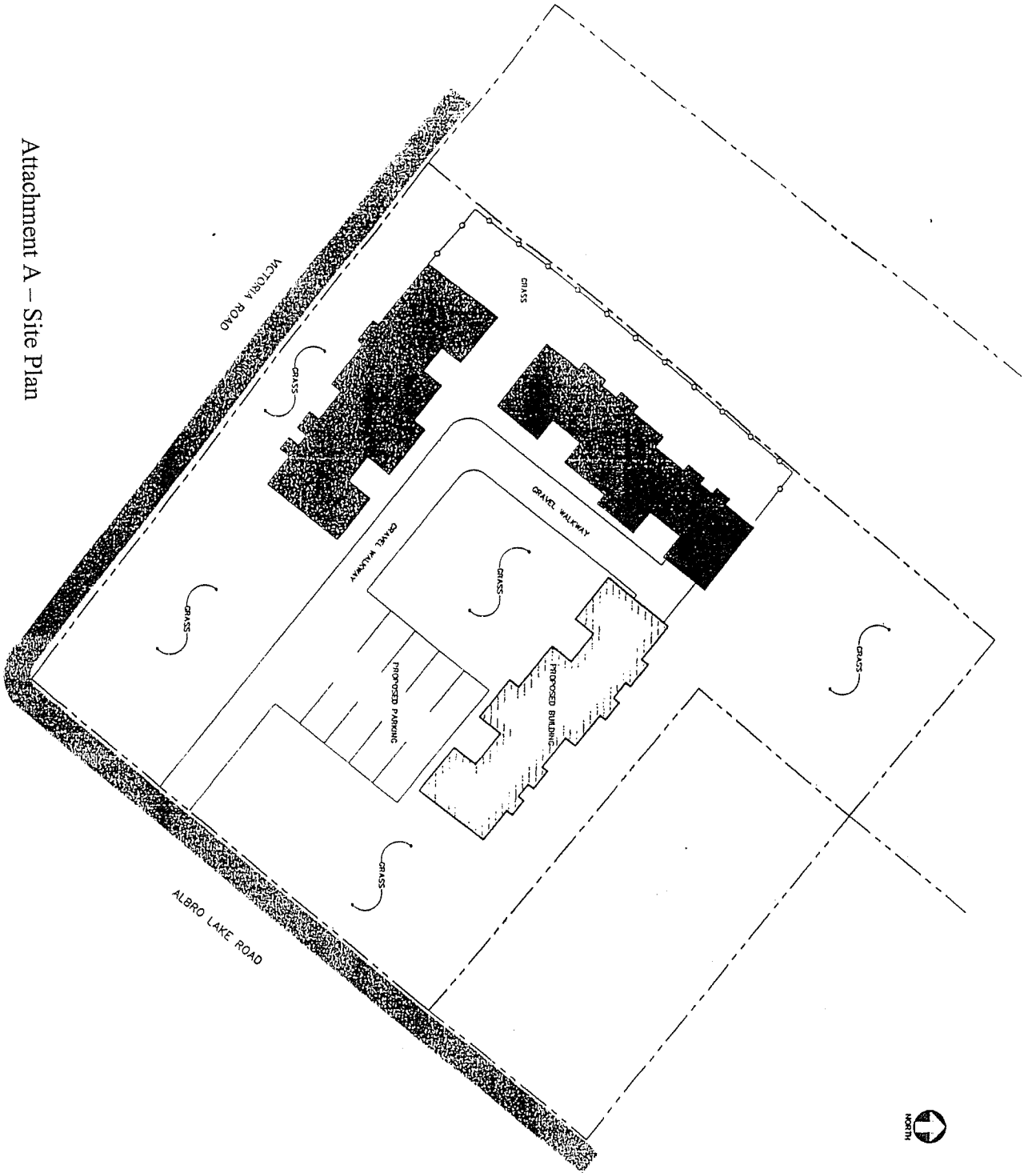
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-4 Multiple Family Residential Zone
- R-1m Single Family (Modified) Residential Zone
- C-1 Local Commercial Zone
- I-1 Light Industrial Zone

 Pinecrest Highfield Park Secondary
(Neighbourhood) Planning Strategy
Boundary

 Development Agreement




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



Attachment A – Site Plan

NOTES:
 1. ALL DRAWING DIMS IN FEET.
 2. DISTANCES SHOWN ARE APPROXIMATE.


 Adams for Women & Children
 An Equal Housing Opportunity Real Estate Broker

ADSJIA COURT
 230 VICTORIA ROAD
 101, 103 ALBRO LAKE ROAD

CONCEPTUAL PLAN

Scale: _____

Attachment B
Relevant Secondary Planning Strategy Policy

PINECREST HIGHFIELD PARK (SPS)

2.0 RESIDENTIAL

2.1 Neighbourhood Stability and Residential Zoning

The Pinecrest-Highfield Park neighbourhood has one of the highest population densities in the Metro Area. The population is transient in nature, with over 90 percent of the residents renting their dwelling unit. Since people tend to move in and out of apartments much more frequently, the area lacks a sizable core of long-term residents.

The existing R-3 (Medium Density Residential) Zone has contributed to the replacement of single detached housing by medium density apartments. Furthermore, recent residential construction in the Highfield Park area has been almost exclusively apartment buildings.

Throughout the course of the Neighbourhood Plan's preparation, it was learned that the community's desire was that further apartment construction in the area be prohibited. The objective is to attain a higher level of neighbourhood stability, and this can be achieved, in part, by permitting development which encourages more home ownership and prevents the continued loss of existing single-family homes. Therefore, a new zone, R-1M (Modified), will be established in the Land Use Bylaw, to be placed on the older section of the Pinecrest area, where the majority of remaining single-family homes exist.

Besides facilitating increased stability within the neighbourhood, the new R-1M Zone has two additional advantages. Firstly, the zone will permit development on a lot size which is smaller than that allowed under the traditional R-1 Zone. This should translate into reduced lot prices, and also means that smaller housing units will be constructed, thereby significantly contributing to an affordable housing option within the neighbourhood. In order to enable small lot development to occur, an amendment to the City's Subdivision Regulations is required.

Secondly, the new zone is to be applied to that portion of the Pinecrest area having oversized existing lots (approximately 60 feet by 218 feet). The rear portion of many of these lots is not utilized. By implementing the R-1M Zone, the potential exists to develop single-family lots along newly created streets at the rear of the existing lots. This affords development opportunities for existing property owners, and further increases the single-family residential character of the neighbourhood.

Policy 2.1.1 In order to encourage the stabilization of the Pinecrest-Highfield Park neighbourhood, it shall be the intention of City Council to establish, in the Land Use Bylaw, a Single-Family Modified (R-1M) Residential Zone. The R-1M Zone shall allow those uses permitted in the R-1 (Single Family Residential) Zone. The

R-1M Zone shall be applied only to the portion of the Pinecrest-Highfield Park neighbourhood, as indicated on Map 2, which presently contains the highest concentration of existing single-family dwellings.

Policy 2.1.2 In order to facilitate affordable single family housing development, it shall be the intention of City Council, within the R-1M Zone of the Land Use Bylaw, to permit development on lots smaller in size than that permitted within the R-1 (Single-Family) Zone. Therefore, it shall be the intention of City Council to amend the City's Subdivision Regulations in order to permit the creation of smaller lots within the R-1M Zone.

Policy 2.1.3 It shall be the intention of City Council to not consider rezonings which would permit higher density Residential development on lands zoned R-1M within the Pinecrest-Highfield Park neighbourhood.

Relevant Land Use By-law Regulations

R-1M SINGLE FAMILY (MODIFIED) RESIDENTIAL ZONE

32A. (1) *The following uses only shall be permitted in an R-1M Zone:*

- (a) *R-1 uses as hereinbefore set out; and***
- (b) *Daycare facilities as home occupations, occupying not more than 50 percent of the total floor area of the dwelling; notwithstanding Section 23(g) of this by-law.***

(2) *Buildings used for R-1M Zone shall comply with the following requirements:*

- (a) *Lot area minimum: 2,800 square feet***
- (b) *Lot frontage minimum: 30 feet***
- (c) *Front yard minimum: 20 feet***
- (d) *Rear yard minimum: 10 feet***
- (e) *Side yard minimum: 5 feet (subject to the Building By-law of the City)***
- (f) *Lot coverage maximum: 35 per cent***
- (g) *Height of Primary Building Maximum: 35 feet***

(3) *In an R-1M Zone where a lot fronts on the outside of a street curve having a radius of 100 feet or less, the required lot frontage may be reduced by 50 percent.*

(As amended by By-law C-694, Dec6/91)