

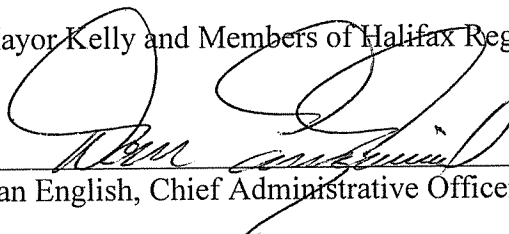


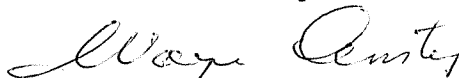
PO Box 1749
Halifax, Nova Scotia
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11.1.11

Halifax Regional Council
July 3, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Dan English, Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: June 12, 2007

SUBJECT: **Case 00971 - MPS and LUB Amendments for the Halkirk (Keiths Brewery) lands, Lower Water and Bishop Streets, Halifax**

ORIGIN

Request from Halkirk Properties Limited to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to include the southern portion of the "Keith's Brewery" lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, within the Central Business District and CBD Sub-Area of the Halifax Waterfront Development Area and to enter into a development agreement for a mixed-use development.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to include the southern portion of the "Keith's Brewery" lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, within the Central Business District and CBD Sub-Area of the Halifax Waterfront Development Area and to enter into a development agreement for a mixed-use development; and
2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

BACKGROUND

Location, Designation and Zoning: The subject site is the southern portion (Lot A-3) of the "Keith's Brewery" lands, bounded by Lower Water, Bishop, Hollis and Salter Streets (refer to Map 1). The site is located within the "Southern Sub-Area" of the Halifax Waterfront Development Area (HWDA) and is designated for future residential development on the Generalized Future Land Use Map. Viewplane #6 covers a portion of the subject site and, therefore, restricts any development within that portion to heights which are below the Viewplane (approximately 5 storeys). The site is zoned C-2 (General Business) and C-2-V (General Business Within a Viewplane).

The subject block which contains all of the Brewery lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, is bisected by the Central Business District (CBD) boundary, which coincides with the boundary between the "Southern Sub-Area" and the "CBD Sub-Area" of the HWDA.

Synopsis of the Proposed Development:

The proposal is to add the southern portion of the "Keith's Brewery" lands into the Central Business District and the "CBD Sub-Area" of the Halifax Waterfront Development Area by changing their respective boundaries to include the site (refer to Map 2). This would also entail a change in land use designation from residential to commercial. The purpose of the boundary change is to enable consideration of a development agreement for a specific mixed-use development proposal on the lands, which includes a revised high-rise tower component referred to as the "Alexander" (refer to Attachments A through E). The southern sub-area currently calls for low to medium-rise development.

Previous Applications/ Development Agreements:

The following is a brief description of previous proposals for the Brewery lands:

- In June of 2005, an application by Salters Gate Developments Ltd. for a mixed-use development on the north portion of the block (lot A-1), consisting of a hotel, residential units, commercial space, parking and landscaped open space, was approved by Regional Council. The project is currently nearing completion of construction.
- In August of 2003, an application by Halkirk Properties Limited to enter into a development agreement for a mixed residential / commercial development on the entire Brewery lands was refused by Peninsula Community Council. The applicant appealed the decision to the N.S. Utility and Review Board, but later withdrew the appeal. The proposed project includes a number of changes which will be brought out in subsequent public meetings and staff reports.

- In 1981, an application by Clarence Investment Corp. was approved by the City of Halifax for a mixed use development of the block. The development agreement, which allows for a 200-car parking garage and 19 residential units on the southern site (lot A-3), is still in effect and is proposed to be discharged if the current proposal is successful.

History of CBD / HWDA Boundary:

Upon the adoption of the MPS in 1978, the southern boundary of the CBD included Spring Garden Road and Maritime Centre (along its southern property line) and, from there, continued north along Hollis Street and then east along Salter Street to the harbour.

In 1983, the CBD boundary was expanded to include two waterfront sites (refer to Maps 1 and 3). These sites are now the location of the Centennial Group development proposal which was recently approved by Regional Council. However, at the time, the sites were the location of the Marine Towers and Clarence Investment development proposals which had been previously approved by Halifax City Council but overturned by the N.S. Planning Appeal Board (now Utility and Review Board). The purpose of the boundary change was similar to that of the current Halkirk proposal, that is, to relocate the subject sites from the Southern Sub-Area to the CBD Sub-Area of the HWDA in order to accommodate future development proposals for those sites. The 1983 boundary amendment, which followed the southern property line of the Maritime Centre and its prolongation to the harbour, resulted in the Keith's Brewery building and site being equally divided into the two sub-areas.

DISCUSSION

As the current Keith's Brewery building and lands are bisected by the CBD boundary, it is reasonable for Council to consider amending the boundary. There are no other locations in which the CBD boundary bisects a building and/or property capable of being redeveloped (the northern boundary of the CBD, which includes a prolongation of Cogswell Street to the harbour, runs roughly between Purdy's Wharf towers I and II). The proposed boundary change represents a very limited expansion of the CBD, essentially to consider the subject proposal. Therefore, staff feel there is merit in proceeding with public participation / consultation.

Existing MPS policy requires a development agreement for any development over 25 feet in height in the HWDA. Although the proposed Alexander tower is lower in height and of a different design than that proposed in 2003, the current policies relating to the southern sub-area anticipate low to medium-rise development for that area in the future. Therefore, if Council wishes to consider the proposal by development agreement, then the proposed amendment to the boundary to place the site within the CBD would be necessary in order to meet the intent of the MPS. This does not entail any changes to the existing viewplanes.

The analysis of the proposed building and draft development agreement will be brought to Council with the recommendation for the MPS amendment, following the public consultation. The proposed MPS amendment and development agreement will be presented at one public hearing before Regional Council.

The current "HRM by Design" process is well underway, with a Final Report anticipated in late 2007 or early 2008. It is anticipated that this project will be proposing detailed building heights and design guidelines for properties within the Capital District. The subject proposal is not intended to bypass or circumvent HRM by Design, although the timing of both processes may coincide. As a result, the subject proposal may tie in with and be informed by HRM by Design. Ultimately, Council's consideration of a development agreement, which will be required before any proposal can proceed, will be subject to the approval and appeal processes of the *Municipal Government Act*. Any proposed MPS amendment resulting from the MPS amendment process recommended in this report is not subject to appeal.

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

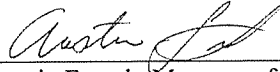
1. Council may choose to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law. This is the staff recommendation.
2. Council may choose not to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law. This is not recommended for the reasons outlined above.

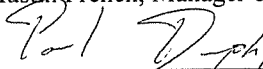
ATTACHMENTS

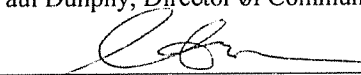
Map 1	Location and Zoning
Map 2	Proposed Amendment
Map 3	Existing CBD Boundary
Attachment A	Site Plan
Attachment B	Elevation - Lower Water Street
Attachment C	Elevation - Bishop Street
Attachment D	Elevation - Hollis Street
Attachment E	Elevation - Salter Street

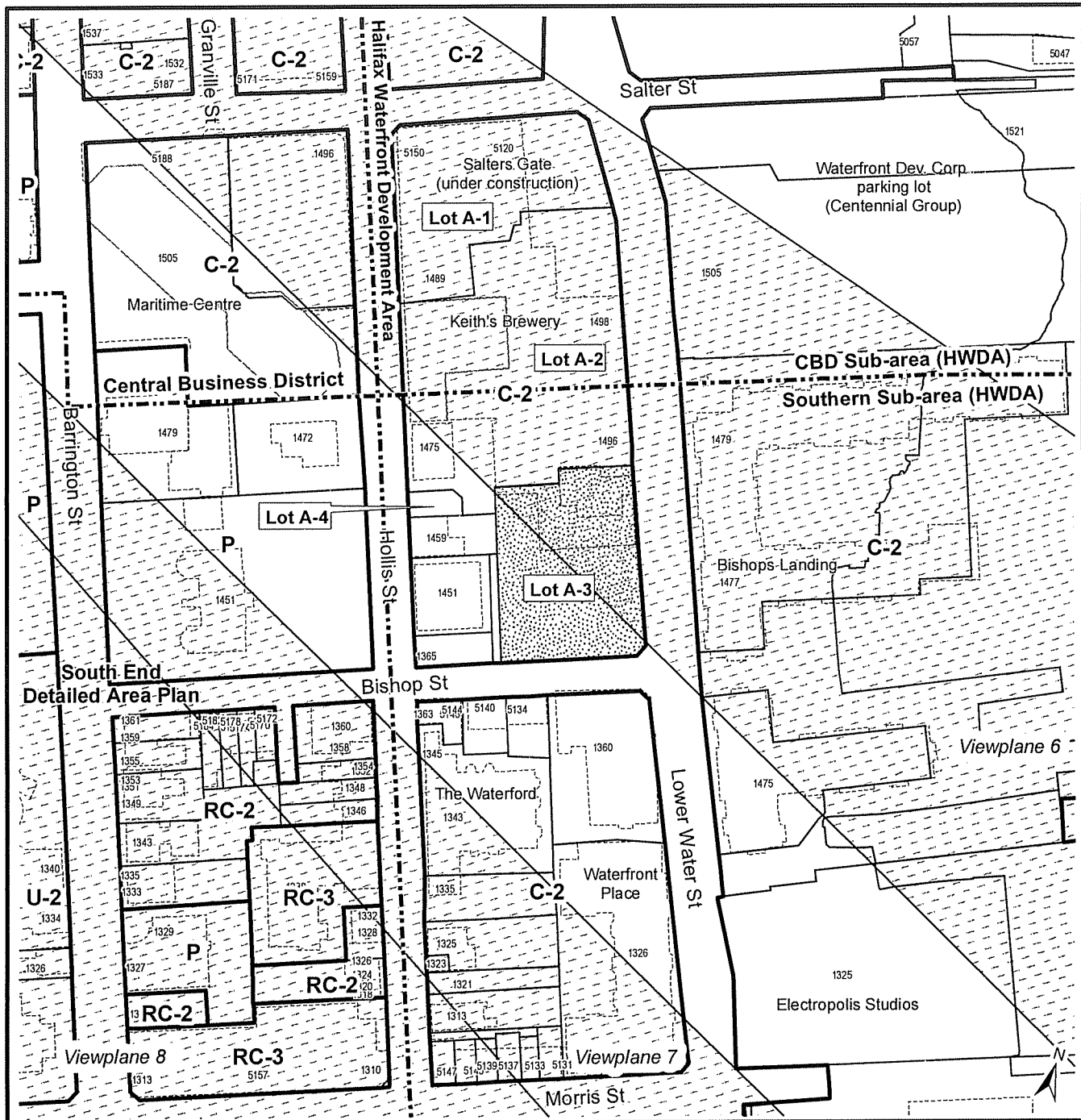
A copy of this report may be obtained online at <http://www.halifax.ca/council/agendas/caagenda.html> by choosing the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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



Map 1 - Location and Zoning

Keiths Brewery Site
Lower Water Street
Halifax

 Subject property

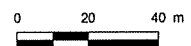
Halifax Peninsula
Land Use By-Law Area

 View plane
 Building footprint

Zone (-V within viewplane)

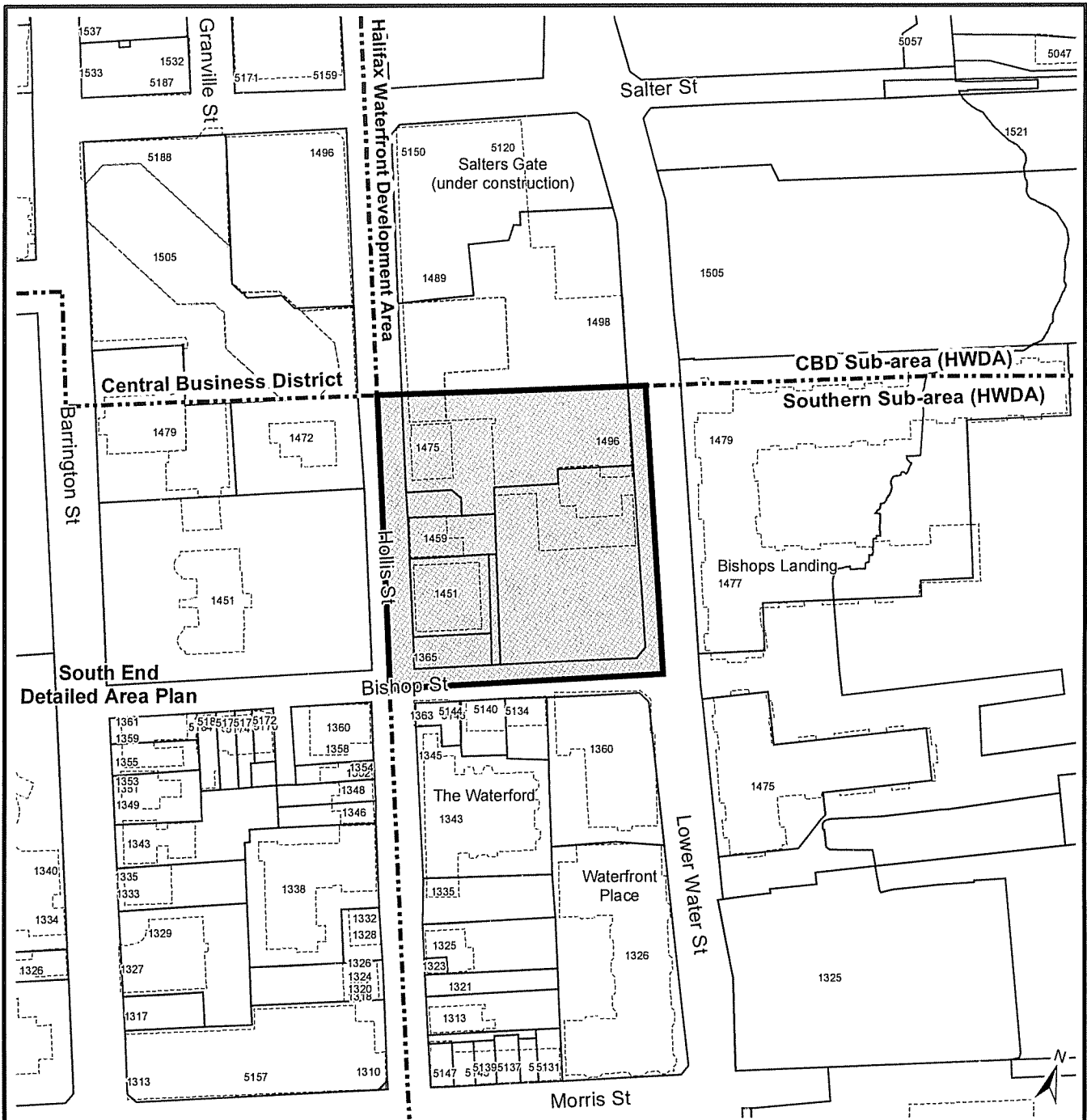
- RC-2(-V) Residential Minor Commercial
- RC-3(-V) High Density Residential Minor Commercial
- C-2(-V) General Commercial
- U-2(-V) High Density University
- P(-V) Park and Institutional

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COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law area

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



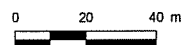
Map 2 - Proposed Amendment

Keiths Brewery Site
Lower Water Street
Halifax



Area to be added to the
Central Business District

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



Halifax Plan Area

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

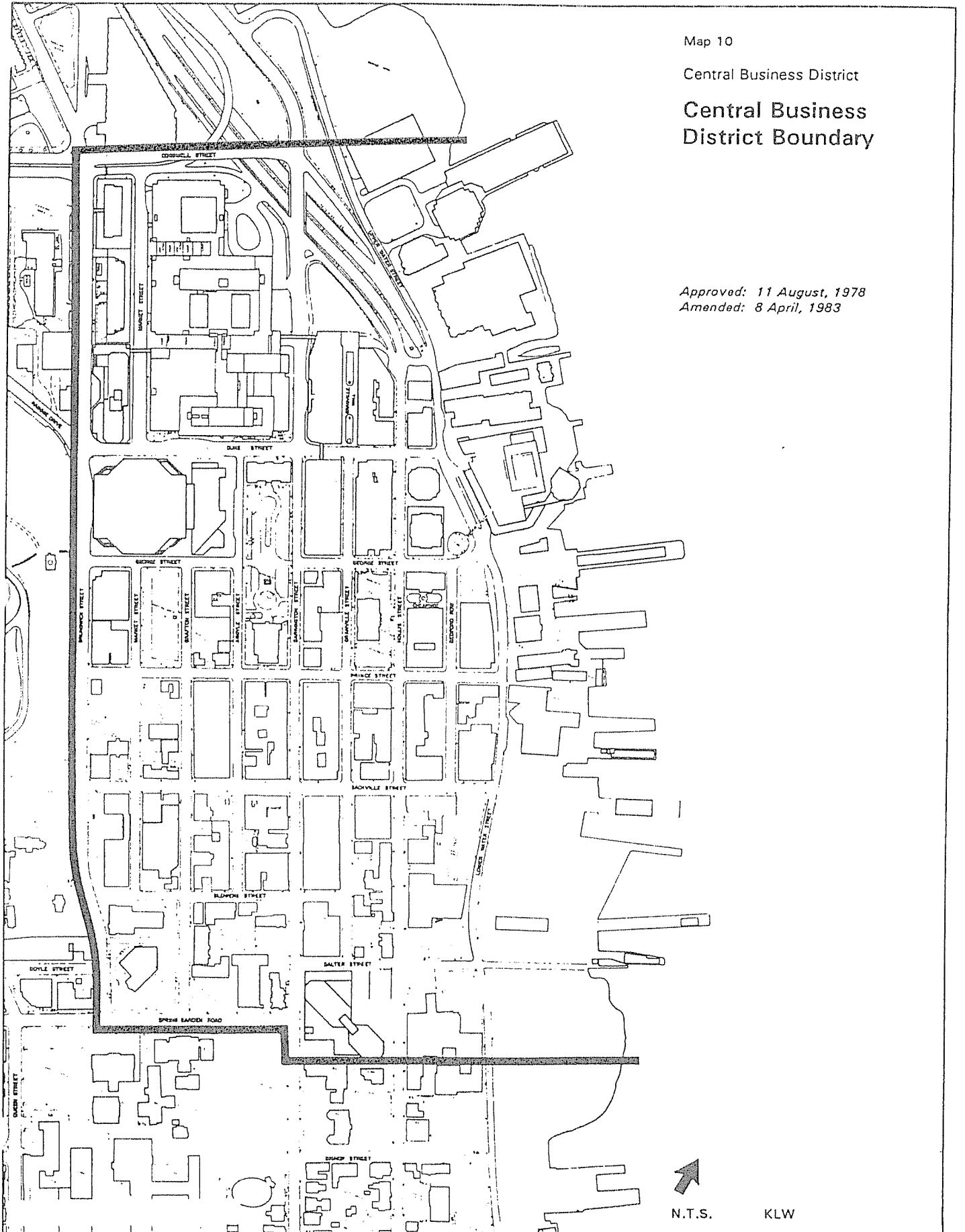
Map 10

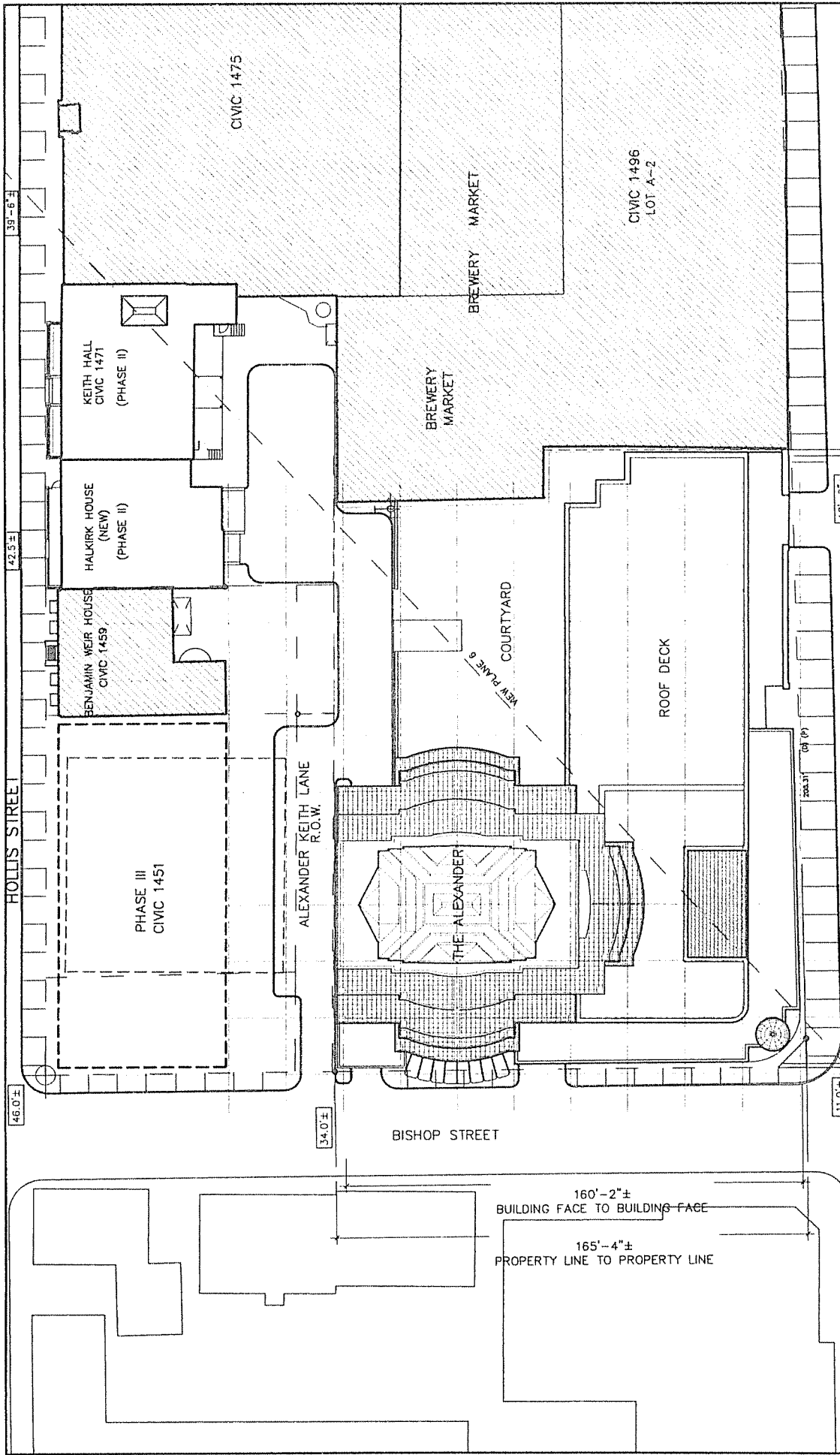
Central Business District

Central Business District Boundary

Approved: 11 August, 1978

Amended: 8 April, 1983





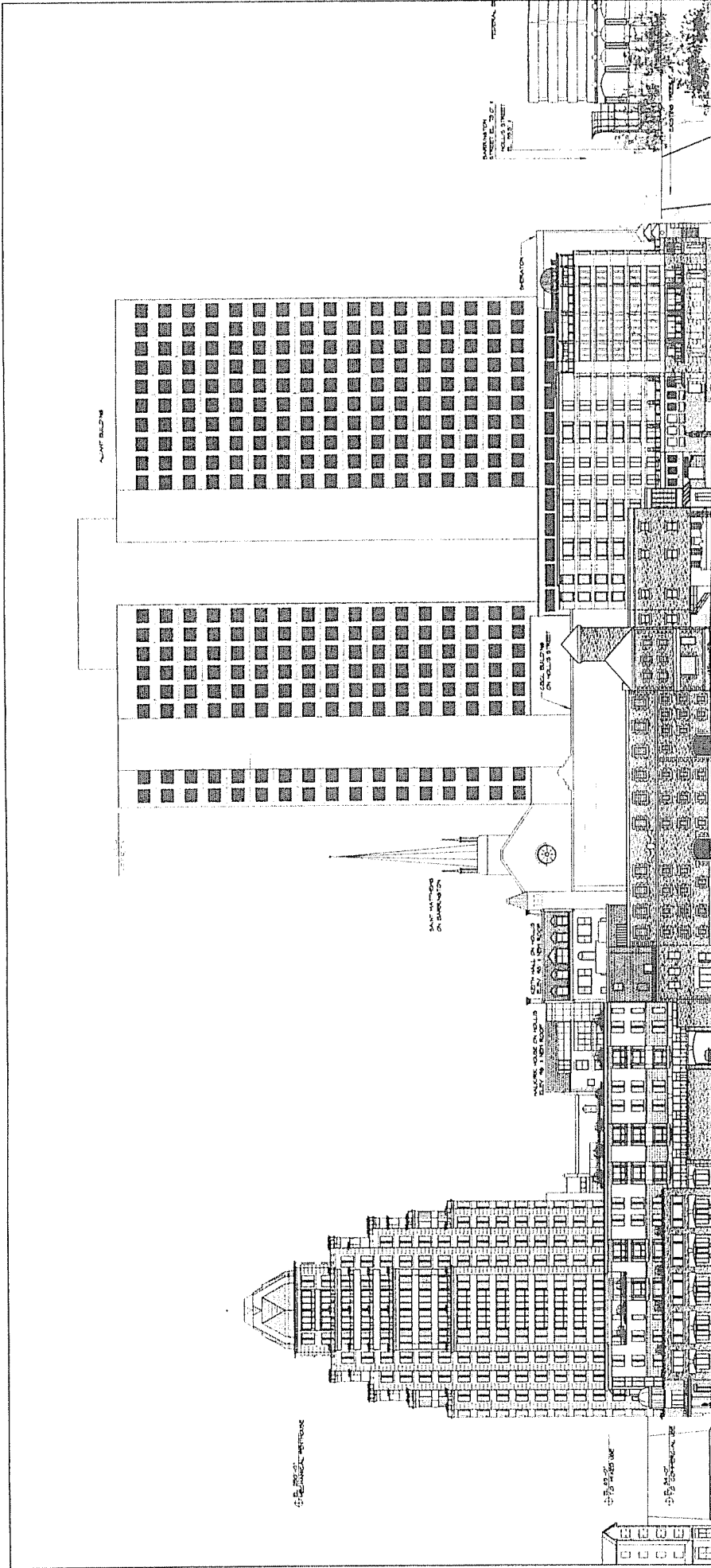
ISSUED FOR H.R.M. APPLICATION	SCALE 1" = 40' ft	JOB NO. 0628	DATE OCTOBER 12, 2006
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SITE PLAN

THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

Duffus Romans Kundzins Rounsefell



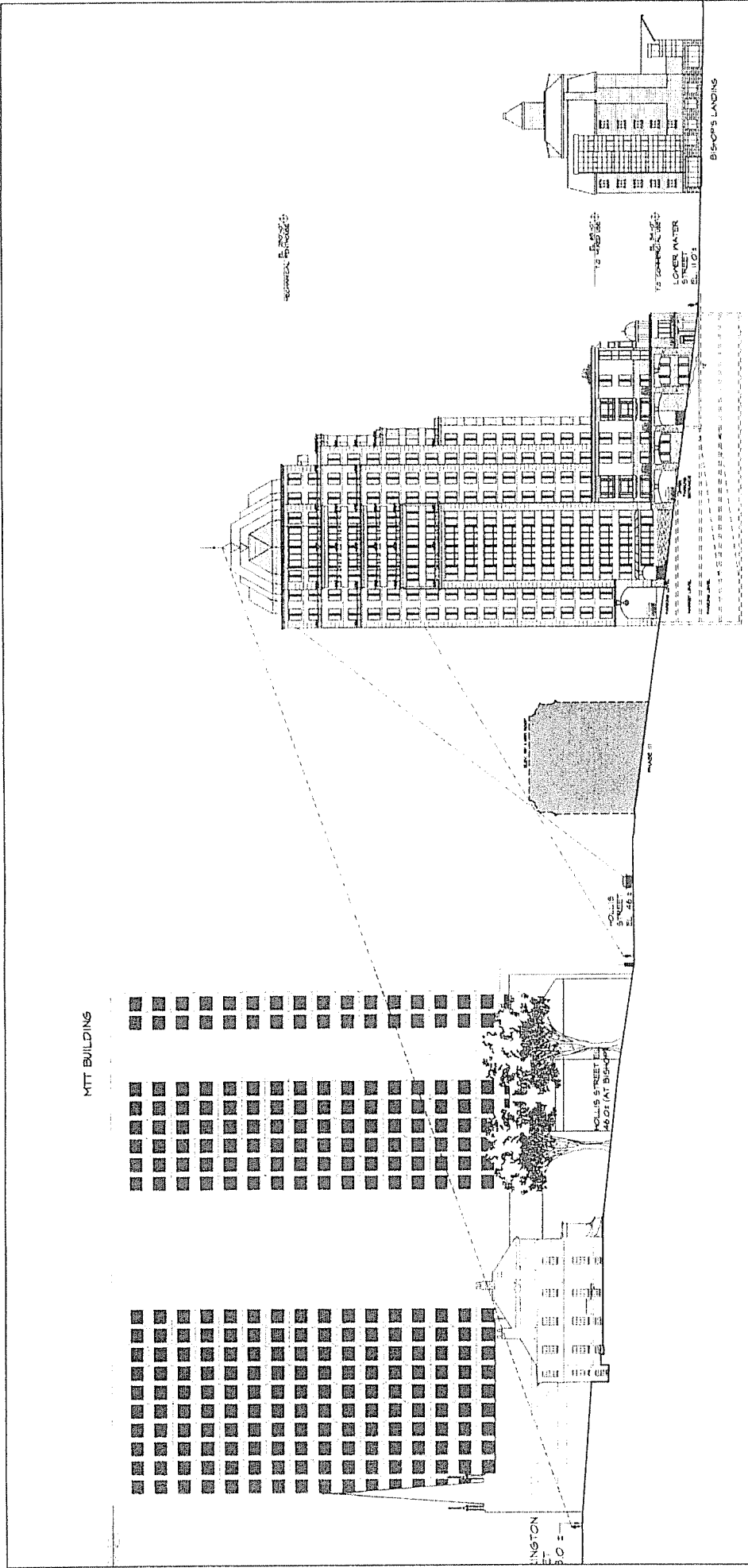
THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Remons Kundzins Rounsefell

LOWER WATER STREET ELEVATION

ISSUED FOR
 H.R.M. APPLICATION

JOB NO.
 0628

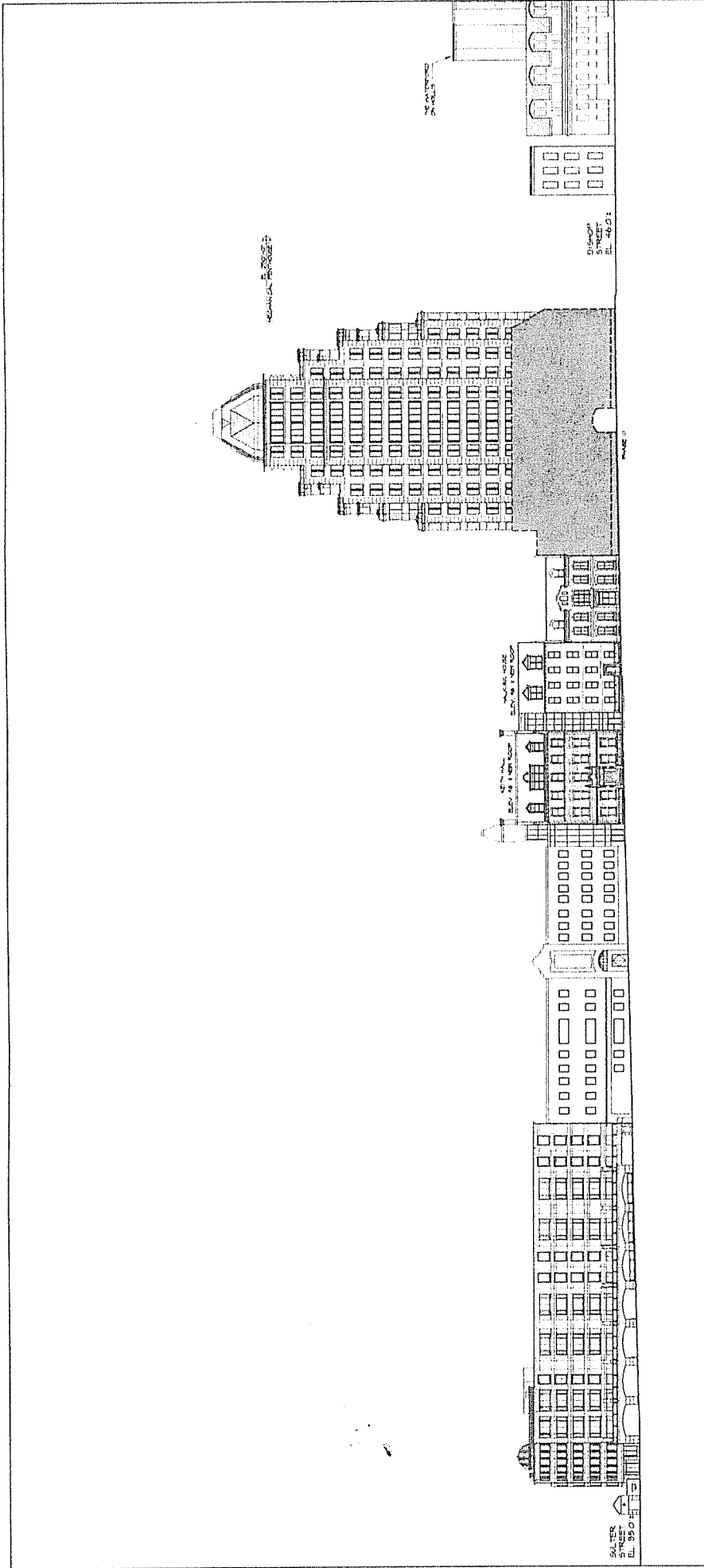
DATE
 OCTOBER 12, 2006



THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kingzins Rounsefell

BISHOP STREET ELEVATION

ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628	DATE OCTOBER 12, 2006
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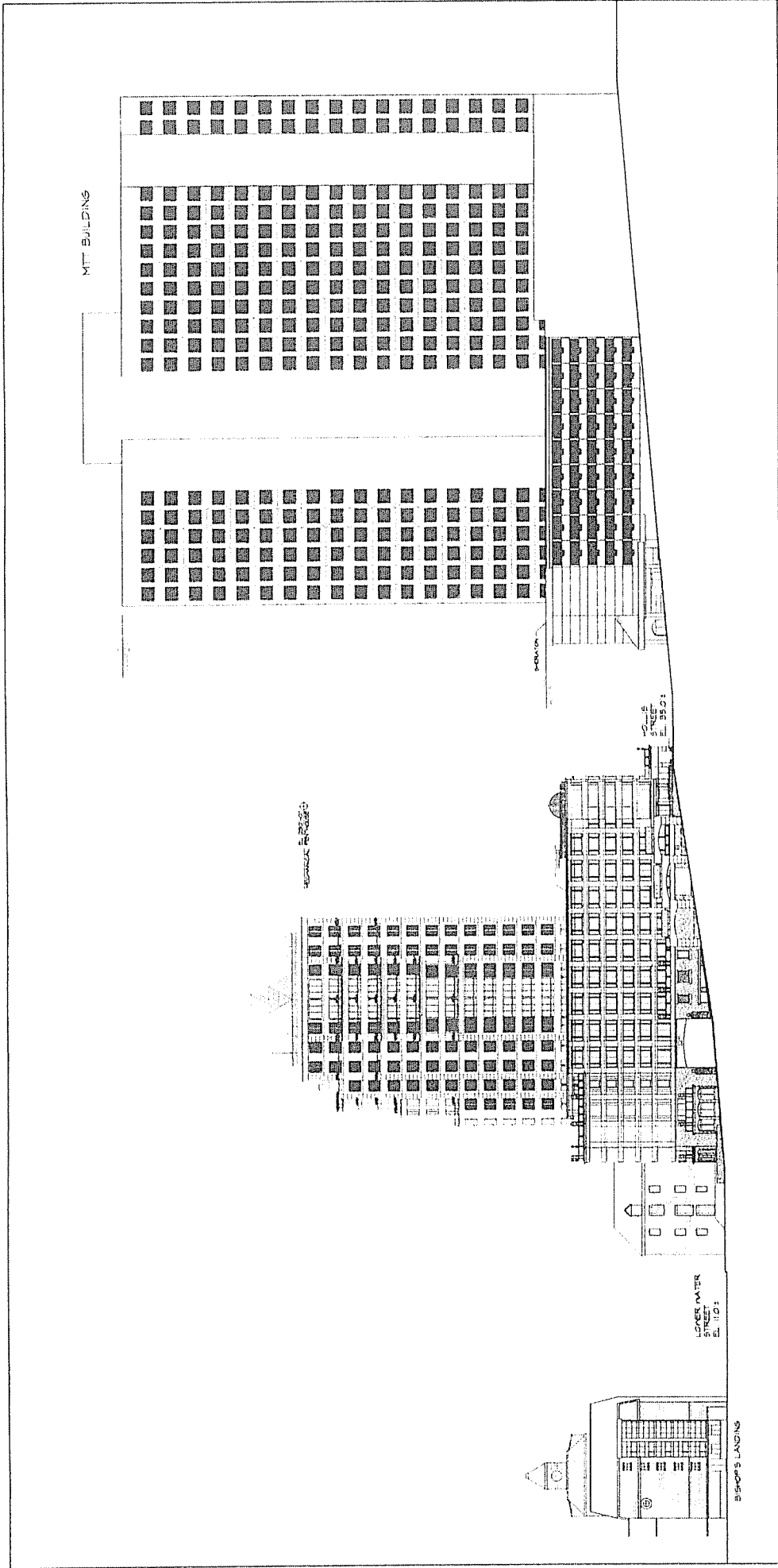
0 25 50 75'

THE BREWERY MARKET - PHASE II
 HALKIRK PROPERTIES LIMITED
 Duffus Romans Kundzins Rounsefell

HOLLIS STREET ELEVATION

ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628	DATE OCTOBER 12, 2006
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Attachment D



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

Dijitus Romans Kundzins Roundtable

SALTER STREET ELEVATION

ISSUED FOR
H.R.M. APPLICATION

JOB NO.
0628

DATE
OCTOBER 12, 2006