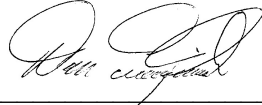


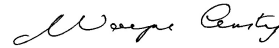
**Item No. 10.1.4**  
**Halifax Regional Council**  
**January 26, 2010**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** January 8, 2010

**SUBJECT:** Case 01361: MPS Amendment, Dartmouth Bridge Transit Terminal

**ORIGIN**

An application by HRM to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to enable development of a new Metro Transit facility between Thistle Street and Nantucket Avenue in Dartmouth adjacent to the Dartmouth Sportsplex site.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) in order to permit a new Metro Transit terminal on a portion of the Dartmouth Common between Nantucket Avenue and Thistle Street at a location behind the Dartmouth Sportsplex; and
2. Direct staff to follow the public participation program approved by Council in February 1997.

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## **BACKGROUND**

The Dartmouth Common was established in 1788 pursuant to a grant from King George III. In 1986, the *Dartmouth Common Act* vested responsibility for ensuring that the Common was protected for the benefit of its residents with the former City of Dartmouth. The Common is generally bounded by Park Avenue, Alderney Drive, Wyse Road, Nantucket Avenue, Green Street, Boland Road and Victoria Road as illustrated on Map 1. A number of community uses are located within the Common boundary which include schools, the Dartmouth Sportsplex, sports fields, walking trails, as well as natural park and open space areas.

The Dartmouth Municipal Planning Strategy (MPS) identifies the Dartmouth Common as part of the park, open space and recreation network for the community of Dartmouth. The MPS and the Land Use By-law (LUB) also identify and enable the potential use and specific location for the existing transit terminal on the site (Attachments A and B), located between the Sportsplex and the Bank of Nova Scotia on Nantucket Avenue as illustrated on Map 3. HRM wishes to establish a new transit terminal on the Dartmouth Common which will require amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law.

### **Designation and Zoning**

The subject area is designated P (Park) and split zoned C2/R4 (General Business/Multiple Family Residential - High Density) and P (Park) as illustrated on Maps 1 and 2. Although the transit terminal is permitted as-of-right on the portion of site that is zoned C2/R4, it is not permitted in the P Zone. It is important to note that the site of the existing transit terminal is also zoned P and located on Commons land but an exemption in the Dartmouth MPS and LUB, placing the lands in Schedule "M", allows for the transit use on only a specific portion of the P zoned Common land. As a result, the MPS and the LUB must be amended to reflect the location and size of the site required for the new terminal in order for the project to proceed.

### **Existing Transit Terminal**

The Dartmouth Bridge Terminal is the busiest transit terminal in HRM and is used by approximately 19,000 passengers daily. The size and age of the existing facility pose challenges for accommodating the existing and future passenger load in a safe, accessible, and comfortable manner. As a result of the need to improve existing service and to accommodate additional passengers, Metro Transit has undergone a planning process to identify options for expanding the facility at the Bridge Terminal.

### **Proposed Transit Terminal**

The size and location where the MPS and LUB permits the existing facility are insufficient to accommodate the proposed terminal. A more feasible location identified by Metro Transit is a site that runs between Nantucket Avenue and Thistle Street at the rear of the Sportsplex, as generally illustrated on Maps 4 and 5. The proposed terminal facility would be fully accessible, include a 16 bus platform, a passenger waiting area, bicycle storage areas, leased commercial

space, public art and other amenity features. The existing terminal location will revert to parking space for the Sportsplex.

### **Dartmouth Common Act**

The *Dartmouth Common Act* restricts the sale and lease of Commons land and does not permit the construction of buildings within the Common. However, in 1994 the Act was amended to enable expansion of the Dartmouth Sportsplex which had been constructed in 1982. Then in 2008, the Act was further amended to permit the development of a new transit facility to replace Metro Transit's existing Dartmouth Bridge Transit Terminal, on a maximum of 6 acres of Commons land. In 2009, the *HRM Charter* came into effect and subsumed the *Dartmouth Common Act*. The section of the Charter that deals with the Dartmouth Common is included as Attachment C.

### **Dartmouth Commons Master Plan**

HRM Real Property Planning has initiated a project to create a Dartmouth Commons Master Plan which includes the following elements:

- proposed expansion of Dartmouth Sportsplex;
- proposed expansion of Dartmouth High School;
- location of the new Dartmouth Bridge Transit Terminal; and
- use of existing green spaces, including recreational facilities.

During the preparation of the Master Plan, a number of public consultation sessions occurred which included two public meetings held on April 4, 2009 and October 5, 2009. During these meetings, the proposed location for the terminal was discussed at length. The Dartmouth Commons Master Plan is due to go to Regional Council early in 2010.

### **DISCUSSION**

Generally, MPS amendments should only be considered where factors related to MPS policies have changed in a manner or to a degree that the MPS had not anticipated. In this case the MPS (Attachment A) recognizes the importance of and an intention to permit and develop a transit facility on the Dartmouth Common. The MPS also identifies the need to allow the use at a specific and defined location in order to maintain the majority of the Common as open space for outdoor activity. At the time that the current MPS policies were adopted, the area and location of the existing facility could accommodate the transit needs of the time. Subsequently, and due to increased ridership and demand for transit service, that location has become insufficient to maintain the desired level of service.

The legislative changes which enable a new clearly defined transit terminal site on the Common are in effect. The proposal only requires 3.4 acres of the 6 acres which are now permitted for a transit terminal under the Charter. Staff are of the opinion that there is merit to considering the proposed MPS and LUB amendments since existing MPS policies recognize the need for a Metro

Transit terminal on the Dartmouth Common. The MPS recognizes the environmental and economic benefits associated with the operation of a quality transit system as well as the need to clearly define the location and area of such a facility on the Dartmouth Common so that the majority of Common land is maintained as open space for outdoor activity. MPS and LUB amendments which recognize the proposed transit terminal location and limit it's size would achieve both objectives. Therefore, staff recommend that Council initiate the process to consider amending the Dartmouth MPS and LUB to accommodate a new Metro Transit Terminal as illustrated on Maps 4 and 5.

### **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved operating budget for C310.

### **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 the MPS amendment process for reasons set out in this report. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended, as staff feels that there is merit in considering the requested MPS amendment.

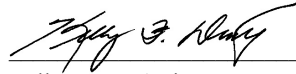
### **ATTACHMENTS**

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Map 3	Existing Terminal Location (Schedule M - LUB)
Map 4	Conceptual Plan - Upper Level - Proposed Terminal
Attachment A:	Excerpts from the Dartmouth MPS
Attachment B:	Excerpts from the Dartmouth LUB
Attachment C:	Excerpts from the HRM Charter

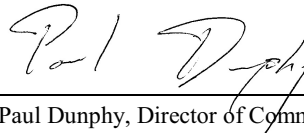
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Joseph Driscoll, Senior Planner, 490-3991

Report Approved by:

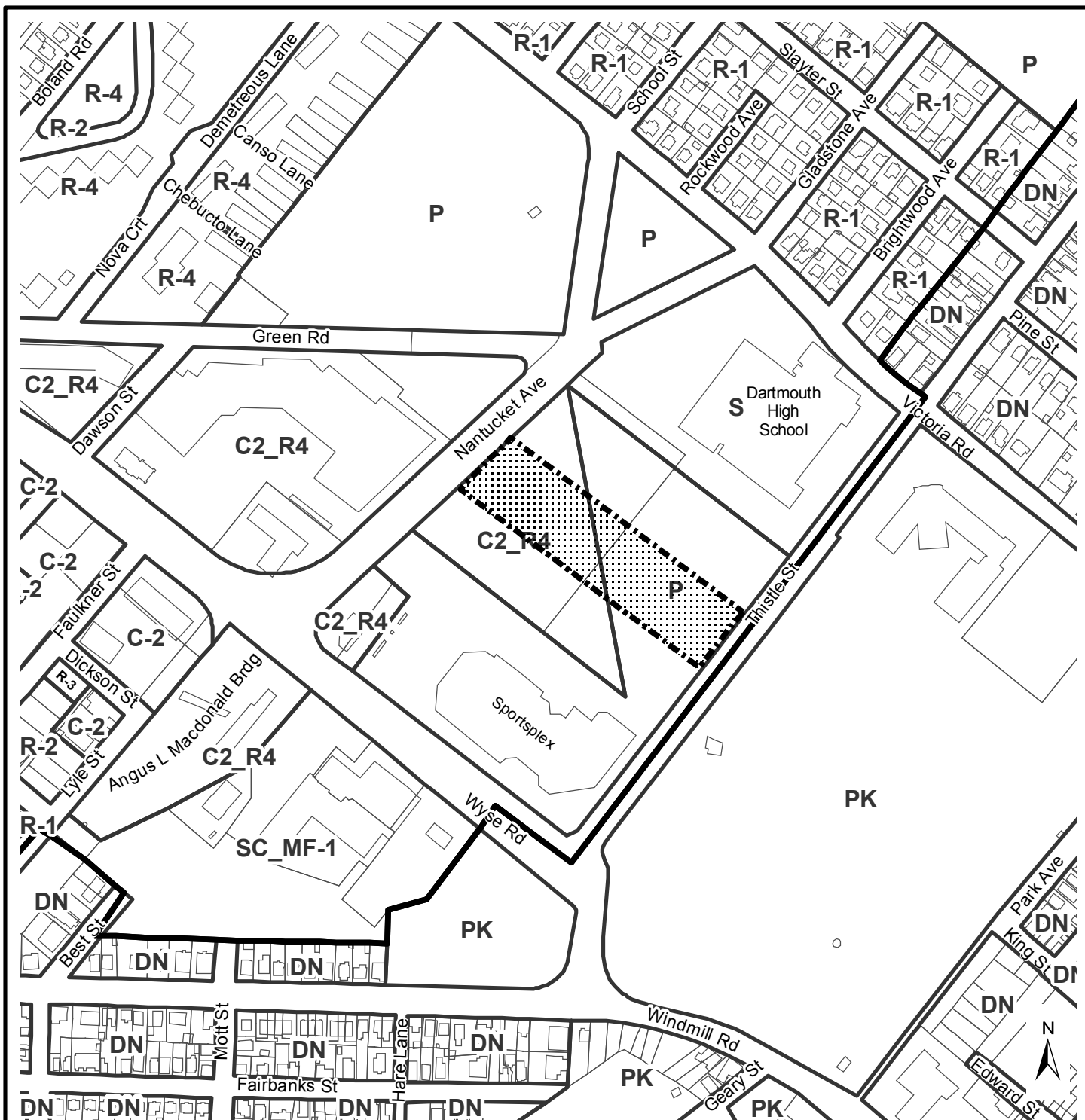


Kelly Denty, Acting Manager of Planning Services, 490-6011



Report Approved by:

Paul Dunphy, Director of Community Development



## Map 1 - Location and Zoning



Plan Area Boundary



Proposed Terminal Location

Dartmouth & Downtown  
Dartmouth Plan Area

### Zone

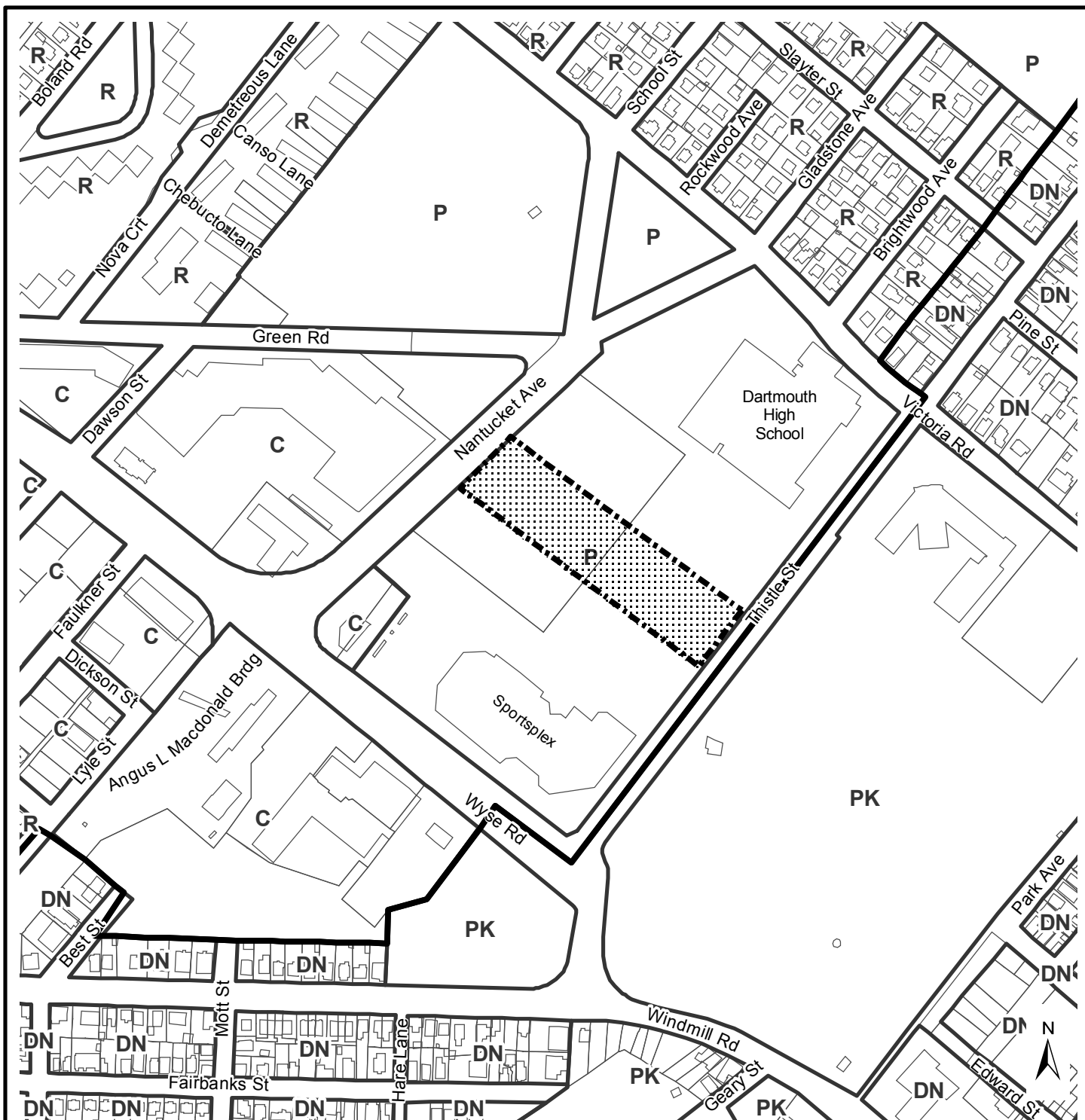
Dartmouth	R-1	Single Family Residential
	R-2	Two Family Residential
	R-4	Multiple Family Residential
	C-2	General Business
	P	Park
	S	Institutional
Downtown Dartmouth	SC	Service Commercial
	MF-1	Multiple Family Residential
	DN	Downtown Neighbourhood
	PK	Park and Open Space

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0 100 200 400 600 Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth & Downtown Dartmouth Plan Area.

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



**Map 2- Generalized Future Land Use**



Plan Area Boundary

Proposed Terminal Location

**Designation**

Dartmouth	R	Residential
	C	Commercial
	P	Park
Downtown	DN	Downtown Neighbourhood
Dartmouth	PK	Park and Open Space

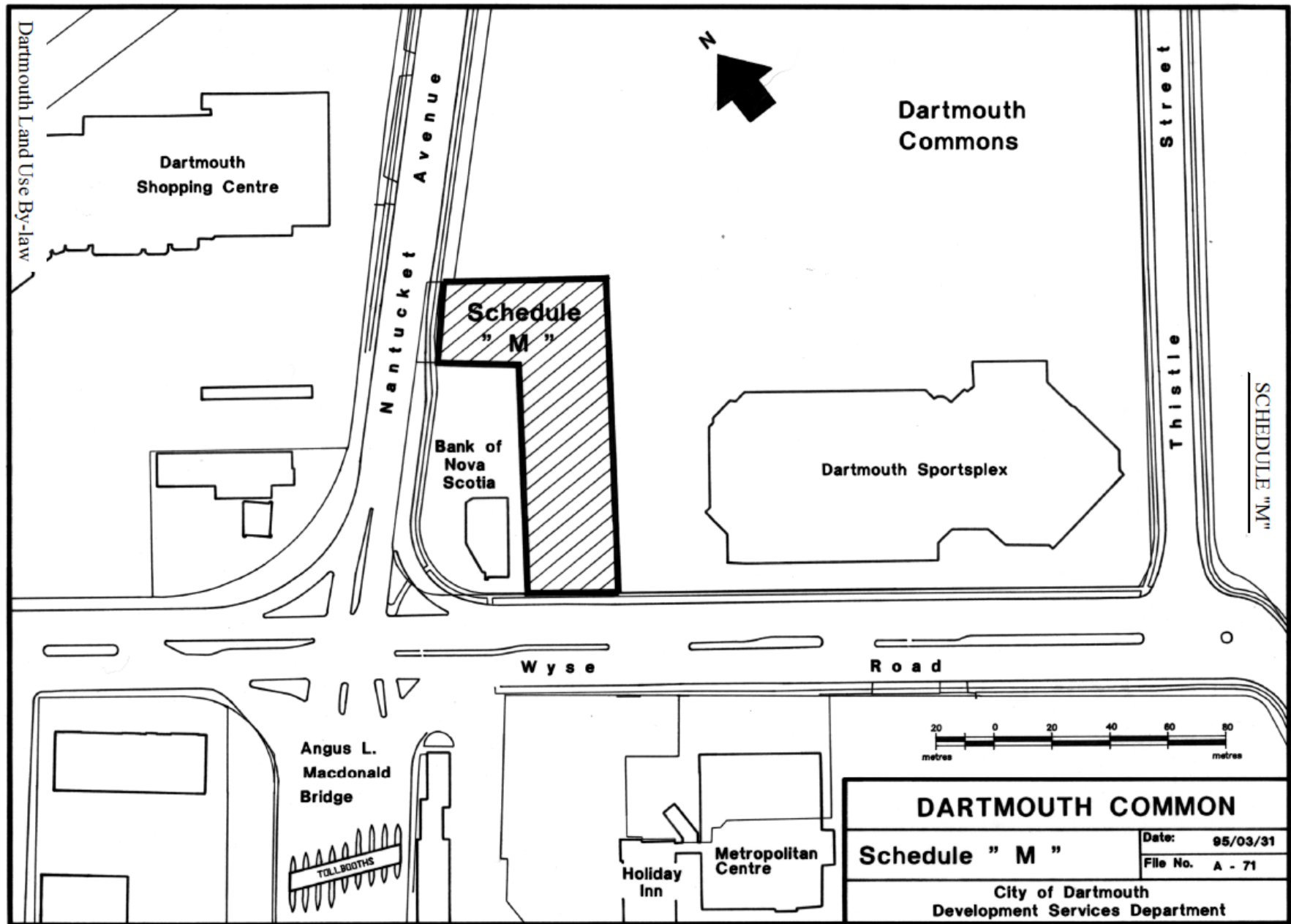
Dartmouth & Downtown  
Dartmouth Plan Area

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0 100 200 400 600 Feet

This map is an unofficial reproduction of a portion of the Generalized Future Land Use for the Dartmouth & Downtown Dartmouth Plan Area.

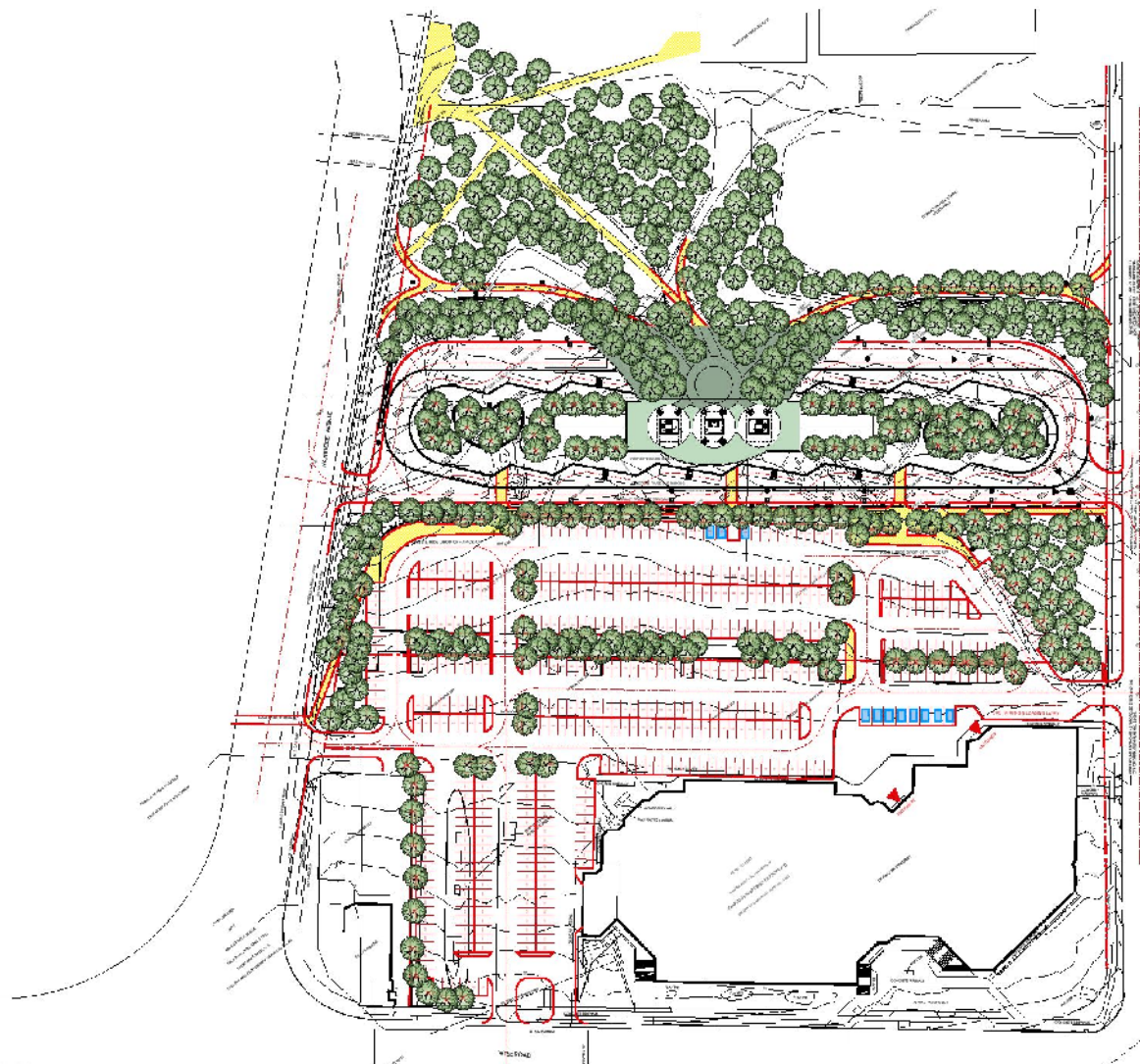
HRM does not guarantee the accuracy of any representation on this plan.



**Map 3 Existing Terminal Location  
Schedule M - Dartmouth LUB**

HRM does not guarantee the accuracy of any base information.





## METRO TRANSIT DARTMOUTH BRIDGE TERMINAL

Site Plan - Upper Level

Sperry Partners  
Architects  
NOVEMBER 2009 SCALE: 1:500

### Map 4 Concept Plan- Upper Level Proposed Terminal

HRM does not guarantee the accuracy of any base information.

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**Attachment A: Excerpts from the Dartmouth MPS**

**1. RECREATION SYSTEM**

The Recreation System provides a framework through which the Recreation Master Plan can be implemented by applying guidelines and policies to individual elements of the system. It also provides definitions for each of the elements, including service radius and possible contents. There are seven major elements in the system with appropriate policies for each.

**(h) DARTMOUTH COMMON**

*In 1788, King George III granted the Common to the community as a whole, for the benefit of all citizens. Since 1988 the citizens of Dartmouth have begun an enhancement plan to reclaim as much of the original Common as possible, and develop it as an open space for outdoor activity. Notwithstanding the need for the open space, there is a requirement for a transit terminal near the intersection of Nantucket Avenue and Wyse Road, to provide an efficient transit system to the Metro area. The only land available is on the Common between the bank and the Sportsplex.*

*Council recognizes that a good transit system protects the environment and has economic benefits to the community. (As amended by By-law C-721, June 9, 1995).*

**Policy R-19** *It shall be the intention of City Council, subject to the Dartmouth Common Act, to establish a Schedule in the Land Use By-law, which identifies a site on the Dartmouth Common to be considered for the installation of a Metropolitan Transit Terminal, subject to the land Use By-law and to the provisions of leases or agreements, as City Council requires, to adequately control the development and operation of these facilities. (As amended by By-law C-721, June 9, 1995).*

**Policy IP-1**

**(i) Municipal Development Plan Amendments**

The procedure for amending the Municipal Development Plan is the same as the procedure for adopting a Municipal Development Plan. Council must pass a by-law by majority vote after holding a public hearing duly advertised (Section 15 (1) Planning Act) and considering any written and verbal objections to the amendment. The amendment is then subject to approval of the Minister of Municipal Affairs (Section 16 & 18 Planning Act).

Planning amendments are required when:

- (1) a major policy intent is changed
- (2) where a detailed planning study has resulted in a zoning amendment that will violate the generalized land use plan
- (3) where detailed studies have been carried out as a refinement to the Municipal Development Plan and it is the desire of City Council to incorporate such studies into the Plan.

**Attachment B: Excerpts from the Dartmouth LUB**

**PART 16: P (PARK) ZONE**

- 44(1) The following uses only shall be permitted in a P Zone:
- (a) public parks;
  - (b) recreational fields and facilities;
  - (c) golf courses;
  - (d) cemeteries;
  - (e) circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
  - (f) uses accessory to any of the foregoing uses.
- 44(2) *Notwithstanding the provisions of subsection (1) transit terminal facilities are permitted on land identified by Schedule "M". (As amended by By-law C-722, Jun 9/95)*
- 44(3) *No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)*

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**Attachment C: Excerpts from the HRM Charter**

**Dartmouth common**

**66 (1)** In this Section, “Dartmouth common” means the common of Dartmouth so far as it was vested in the City of Dartmouth on April 22, 1986.

**(2)** The Municipality may not sell, lease, license or otherwise alienate the Dartmouth common.

**(3)** Subject to subsections (4) and (5), no person shall build on the Dartmouth common.

**(4)** A person may build an addition to a building located on the lands described in the Schedule to Chapter 87 of the Acts of 1994, An Act to Amend Chapter 68 of the Acts of 1986, the *Dartmouth Common Act*, if the building and the addition are both totally located on those lands.

**(5)** The Municipality may build, expand or improve public transit facilities on that part of the Dartmouth Common adjacent to Nantucket Avenue and not exceeding six acres.

**(6)** When the lands referred to in subsection (5) are no longer used by the Municipality for public transit facilities, the lands revert back to their use as part of the Dartmouth Common.

**(7)** The Dartmouth common is held by the Municipality in trust for the inhabitants of the Municipality. 2008, c. 39, s. 66.