



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.1

**Halifax Regional Council
March 9, 2010**

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: February 24, 2010

SUBJECT: **Case 15937: MPS / LUB Amendment, 5599 Fenwick Street (Fenwick Tower), Halifax**

ORIGIN

Application by Templeton Properties to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to allow for a mixed-use re-development of the Fenwick Tower site at 5599 Fenwick Street, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to allow, by development agreement, a mixed-use re-development of the Fenwick Tower site at 5599 Fenwick Street, Halifax; and
2. Direct staff to follow the public participation program as approved by Council in February, 1997.

BACKGROUND

Property History/ Information: Fenwick Tower is Halifax's tallest building at 33 storeys and approximately 320 feet (98 m) in height. The property is approximately 1.8 acres (0.73 ha) in size and has street frontage on both Fenwick and South Streets (refer to Maps 1 and 2). The building was purchased and completed in 1971 by Dalhousie. The building has since been used for student accommodation and other university uses. In 2009, Templeton Properties purchased the building from Dalhousie.

Proposal: The applicant proposes to redevelop the site as follows:

- Renovations to existing Fenwick Tower and a 36' wide addition to the south end of the tower which runs its entire height. Total of 402 residential units, approximately 60,000 sq. ft. of commercial space. Includes complete re-cladding of the tower and new illuminated roofline feature. The existing building contains 274 units and approximately 33,000 sq. ft. of commercial space;
- Six townhouses along the base of the tower fronting on Fenwick Street. Proposed residential or live/work units;
- New 9-storey infill building fronting on South Street. Proposed 90 residential units, 5,000 sq. ft. commercial space;
- New 8 storey infill building on internal portion of site. Proposed 38 residential units, 4,200 sq. ft. commercial;
- Low-rise commercial buildings along internal pedestrian "mews" or passage linking Fenwick Street to South Street. Proposed 19,000 sq. ft. commercial;
- Total of 423 parking spaces contained within 4 separate levels. The number of existing parking spaces on site is 249.

Public Consultation: The applicant has expended considerable effort to involve the public in the conceptual building design by holding a series of stakeholder group meetings and public open houses in the fall of 2009. This consultation helped to inform the design process and is in addition to the public consultation which HRM will undertake as part of the MPS amendment and development agreement processes.

Designation and Zoning: The MPS generalized future land use designations for the area are depicted on Map 2. The majority of the site is designated High Density Residential under the Halifax Municipal Planning Strategy (South End Detailed Area Plan) and is zoned R-3 (Multiple Dwelling) under the Peninsula Land Use By-law. A small portion of the site to the east abutting the Fenwick Medical Centre is designated Commercial and is zoned C-2A (Minor Commercial). Along Fenwick Street to the west, a small portion of the site is designated Medium Density Residential and is zoned R-2A (General Residential Conversion) which is in keeping with this low-rise portion of the street.

A 35 foot height limit (precinct) applies to a large portion of the site, including the existing tower. The remainder of the site, including the South Street portion, has a 100 foot height limit. The existing tower is flanked by two viewplanes to the immediate east, these being Viewplanes #9 and #10. Building height on the site is also subject to the Citadel Ramparts requirements.

DISCUSSION

Generally, amendments to the Municipal Planning Strategy (MPS) should be considered only when there has been a change in circumstances or there is a significantly different situation than the MPS anticipated. In this case, a longstanding property owner (Dalhousie) has sold the property to a private developer who wishes to retrofit and redevelop the existing building and site. The MPS did not anticipate such a scenario. As the MPS includes a 35 foot height limit in the tower's location and a mix of land use designations on the overall site, such redevelopment efforts are not possible. Demolition of the tower, which may have been envisioned, is not a reasonable expectation.

The redevelopment proposal cannot be accommodated under the property's existing zoning regulations. The existing tower and site is unique and any attempt to retrofit the building as part of a larger redevelopment of the site would be costly and would require a unique urban design approach. The proposal offers an opportunity to mitigate the impacts of the tower on the surrounding neighbourhood as follows:

- The redesign and re-cladding of the tower would greatly improve its appearance.
- The proposed addition to its southern end would allow for an additional staircase to comply with Building Code requirements, but would also increase the building's mass.
- The introduction of townhouses at the base of the tower would improve upon the existing Fenwick streetscape and proposed infill buildings would offer a transition between the existing tower and the surrounding area.

Staff feel that there is merit in proceeding with public consultation to determine whether a site-specific MPS amendment to enable a development agreement for the proposal is appropriate. If Regional Council agrees to initiate this process, then staff will conduct a detailed review and public consultation as per Council's instructions.

BUDGET IMPLICATIONS

The HRM costs associated with processing 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 amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law. This is the staff recommendation.
2. Council may refuse to initiate amendments to the Halifax MPS/ LUB, thus retaining the existing land use designations and zoning regulations for the subject site.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Proposed Building Elevations

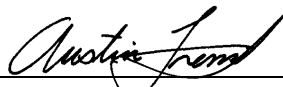
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

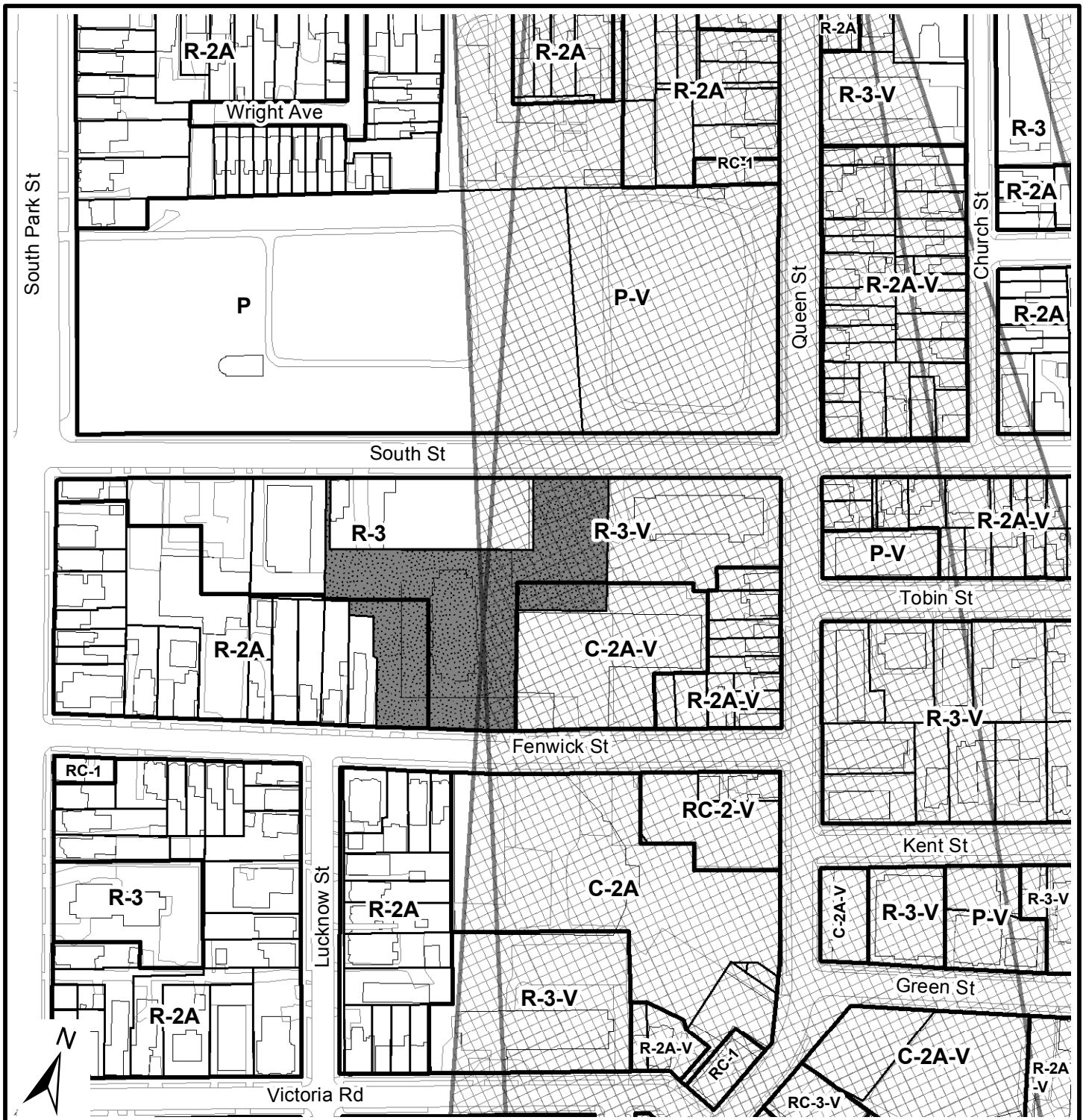
Report Prepared by: Paul Sampson, Planner I, 490-6259

Report Approved by:


Kurt Pyle, Acting Manager, Planning Services, 490-7066


Report Approved by:


Austin French, Acting Director, Community Development, 490-6717



Map 1 - Location and Zoning

5595 Fenwick Street
Halifax

 Subject area

Halifax Peninsula
Land Use By-Law Area

Zone (-V within view plane)

R-2A General Residential Conversion
R-3 Multiple Dwelling
RC-1 Neighbourhood Commercial
RC-2 Residential Minor Commercial
C-2A Minor Commercial
P Park and Institutional

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PLANNING SERVICES

0 20 40 m



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 - Generalized Future Land Use

5595 Fenwick Street
Halifax


 Subject area

Halifax Plan Area
South End Detailed Area Plan

Designation

MDR	Medium Density Residential
HDR	High Density Residential
RC	Residential Commercial Mix
C	Commercial
INS	Institutional
OS	Open Space

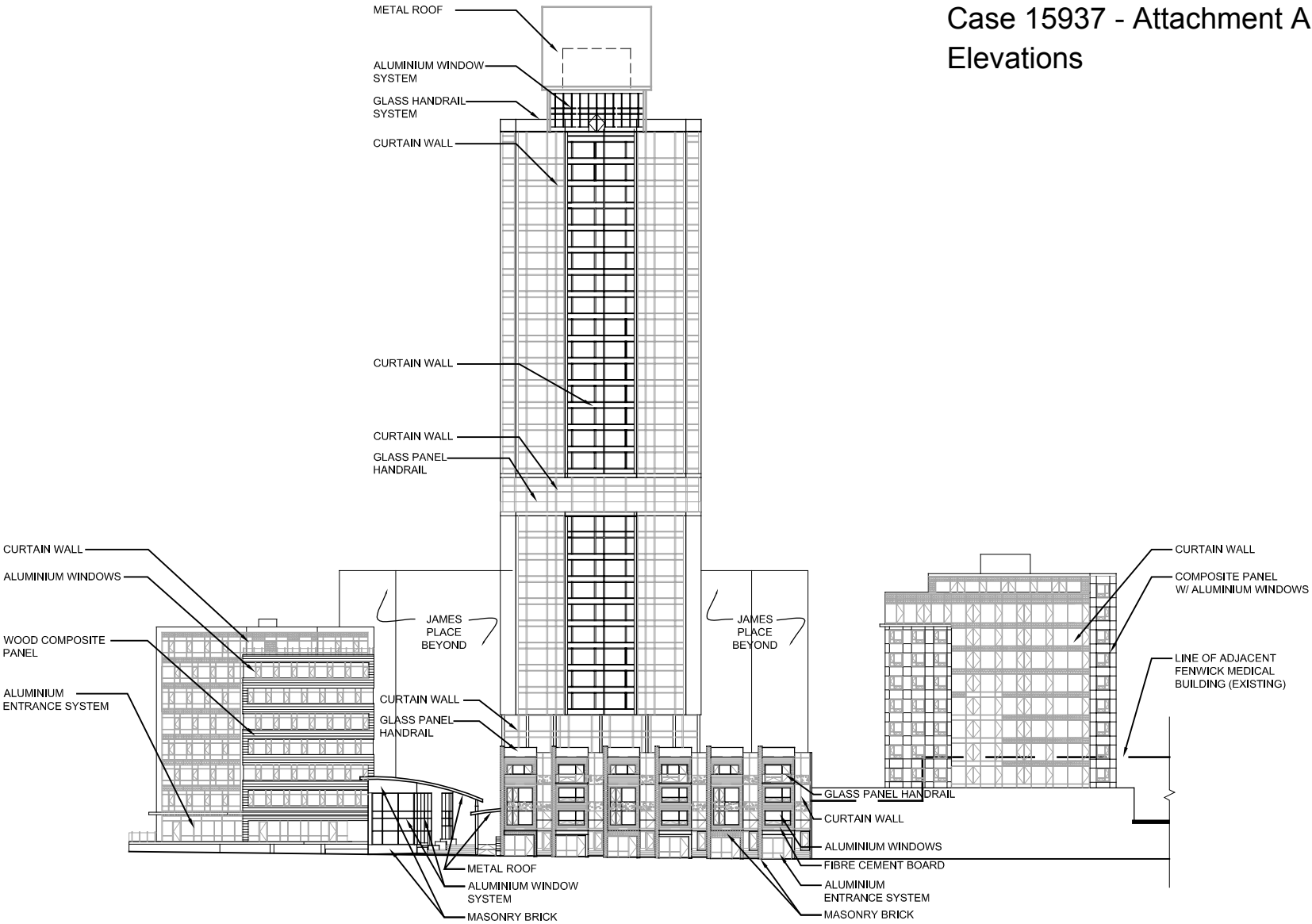
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REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area.

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

Case 15937 - Attachment A Elevations



FENWICK SITE REDEVELOPMENT
PID # 41030735
PID # 00102632
HALIFAX, NOVA SCOTIA



REVISIONS		
NO.	REVISION NAME	DATE

DRAWING

SOUTH ELEVATION

SCALE

0

10

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50

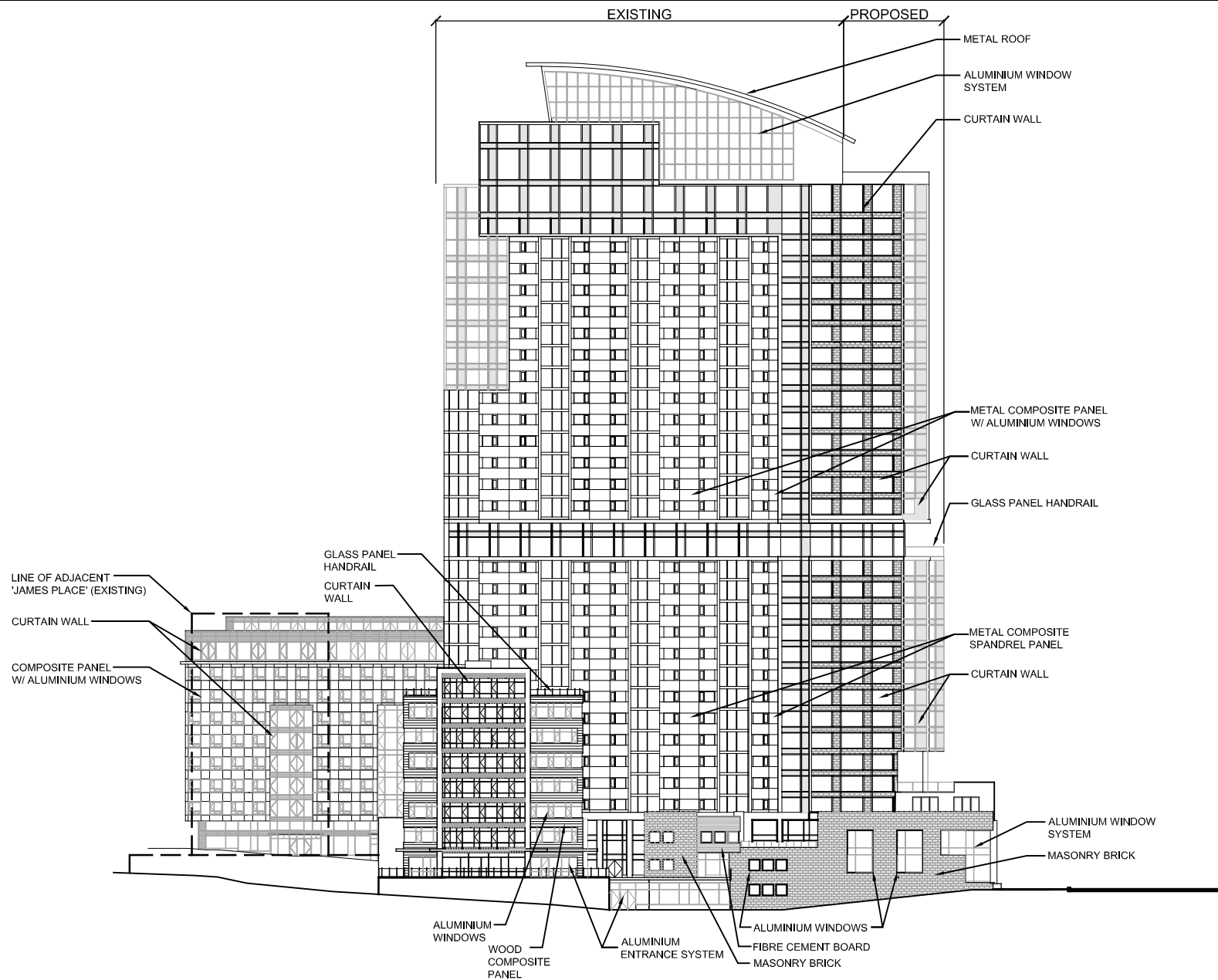
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FENWICK SITE REDEVELOPMENT
PID # 41030735
PID # 00102632
HALIFAX, NOVA SCOTIA

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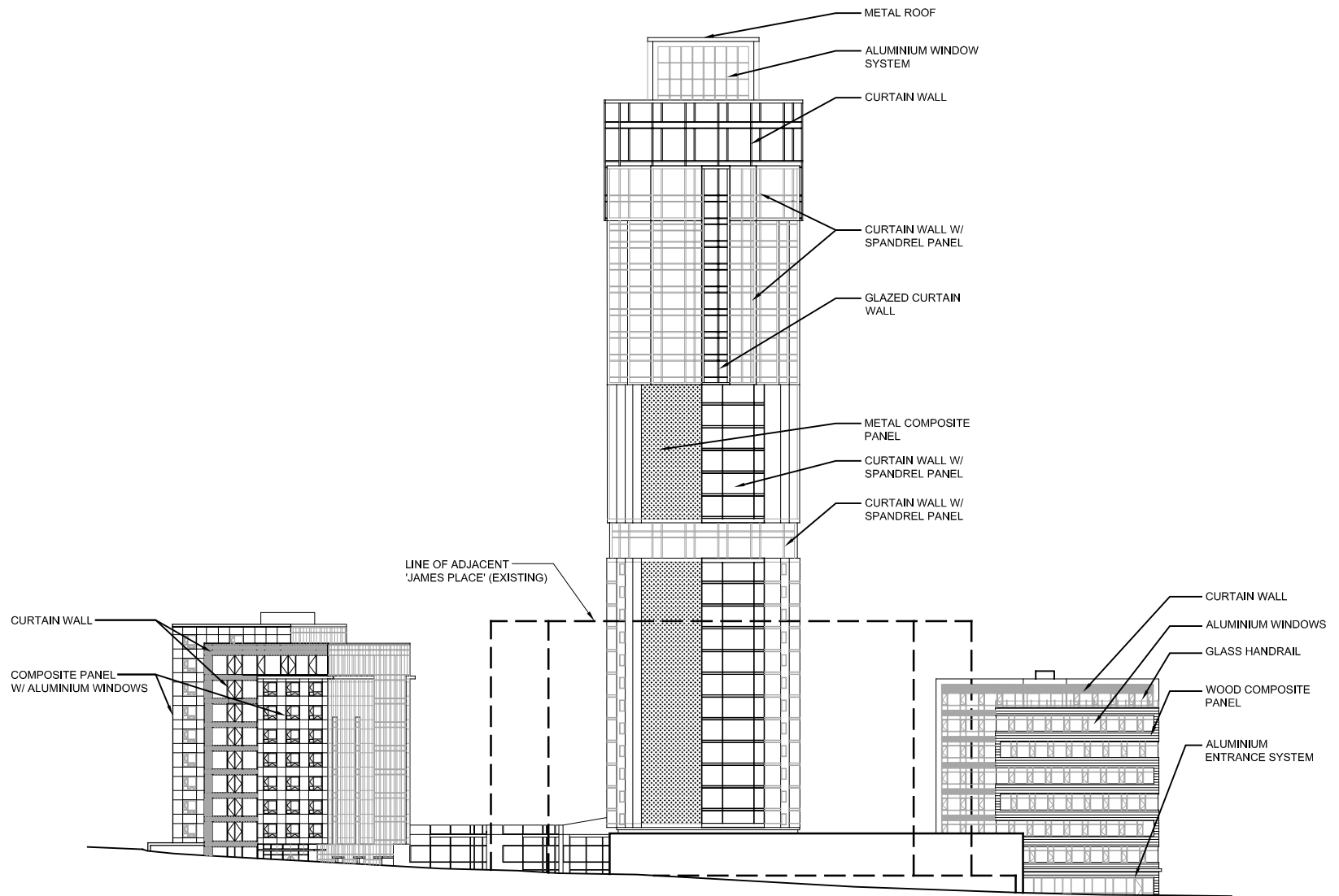
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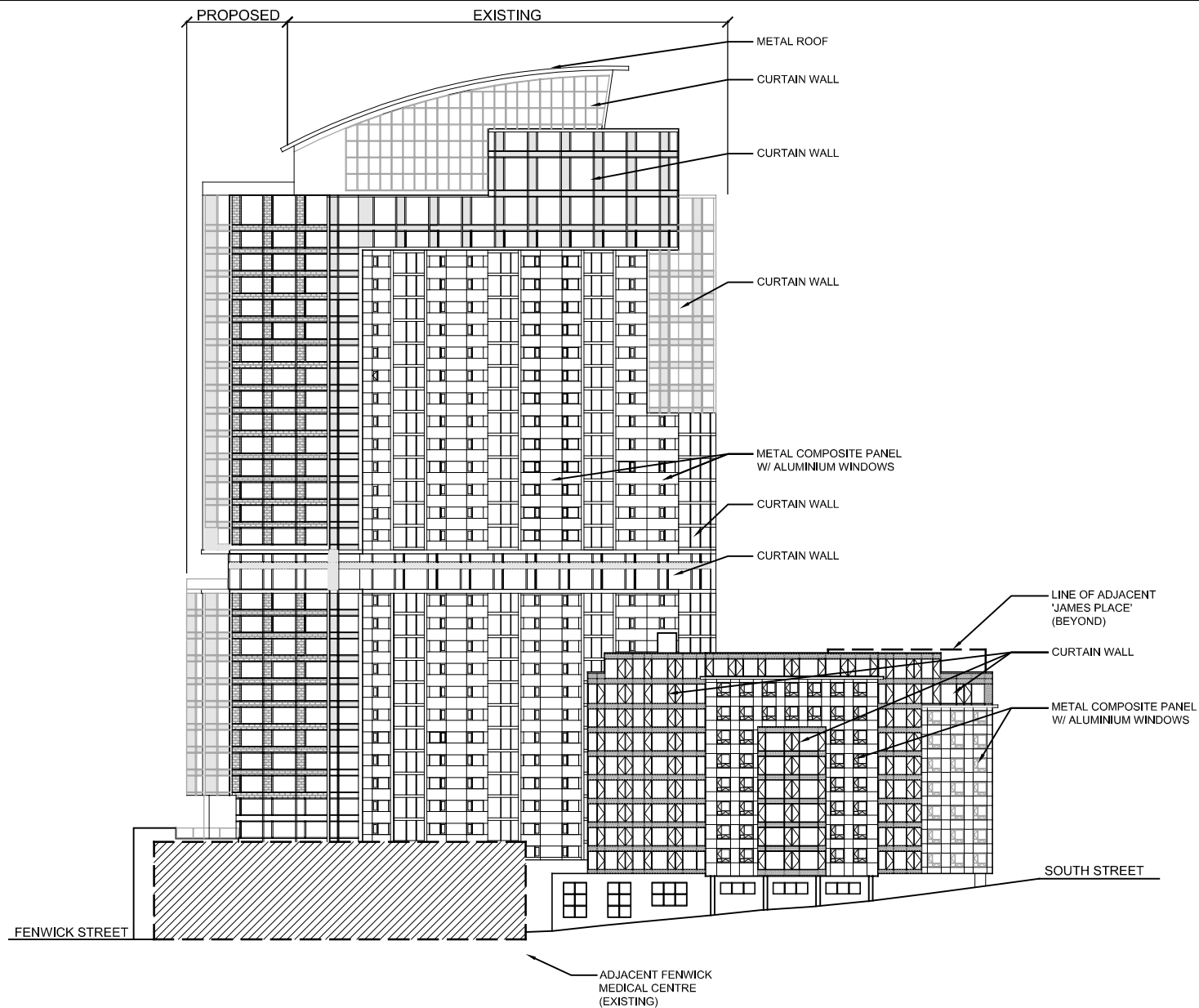
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HALIFAX, NOVA SCOTIA

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NORTH ELEVATION	
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FENWICK SITE REDEVELOPMENT
PID # 41030735
PID # 00102632
HALIFAX, NOVA SCOTIA

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REVISIONS		
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DRAWING
EAST ELEVATION
SCALE
0 10 25 50 FEET

DATE
DEC 09
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