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Peninsula Community Council
January 9, 2012

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY: _____
Phillip Townsend, Director, Planning and Infrastructure

DATE: December 28, 2011

SUBJECT: Case 17156 – Amendments to the Land Use By-law for Halifax Peninsula to Rezone 4 Properties on the Corner of South St. and LeMarchant St. from U-1 (Low-Density University) to U-2 (High-Density University), to Amend the ZM-17 (Height Precincts) Map and U-2 Zone

SUPPLEMENTARY REPORT

ORIGIN

- October 18, 2011, staff report to Peninsula Community Council
- December 12, 2011 Peninsula Community Council.

RECOMMENDATION

It is recommended that Peninsula Community Council

1. Give First Reading to the proposed rezoning of the 4 subject properties on the corner of Le Marchant Street and South Street from the U-1 (Low-Density University) to U-2 (High-Density University), and to the proposed housekeeping amendments as contained in Attachment A of the November 9, 2011 staff report, and schedule a public hearing; and
2. Approve the proposed rezoning and amendments to the Halifax Peninsula Land Use Bylaw as provided in Attachment A of the November 9, 2011 staff report.

BACKGROUND

A staff report dated October 18, 2011, was tabled with the Peninsula Community Council on November 7, 2011. The staff report discussed an application by Dalhousie University to rezone 4 properties at the corner Le Marchant Street and South Street. The proposed rezoning is being considered through the policies of the Institutional Designation of the Secondary Plan for Peninsula Center of the Municipal Planning Strategy (MPS) for Halifax.

The proposed rezoning is to facilitate the development of a 7 storey residence and student services building. A public hearing was held for the application on December 12, 2011. During the public hearing, concerns were raised about various aspects of the proposed building.

Once the public hearing was closed, it was moved by Councillor Uteck, seconded by Councillor Sloane, that decision on this matter be deferred until the January 9, 2012, Peninsula Community Council meeting.

Councillor Uteck noted that in addition to those who spoke at the public hearing, she had received numerous e-mails from individuals who were unable to be present at the December 12, 2011, public hearing. She explained that the community recognizes a student residence will be constructed on the site, however, she was moving a motion to defer decision in order that she and staff could work together with Dalhousie and the residents so that the community could reach a comfort level with regard to several issues. Councillor Uteck added that before making a decision, she wanted additional information on issues such as the construction site and traffic during construction, the placement of loading/unloading bays, metro transit bus lay-bys, and landscaping. Councillor Uteck indicated that she would like to have time to carry out further consultation and then have staff prepare a supplementary report for the January 9, 2012, meeting.

DISCUSSION

Case 17156 proposes the rezoning of four properties at the corner of LeMarchant Street and South Street. Staff has analysed the applicable policies within the MPS for Halifax and have determined that the policies support the rezoning.

Concerns Expressed During the Public Hearing

During the December 12, 2011, public hearing there were various concerns regarding the proposed development. The following is staff's response to these concerns.

The Re-location of the Memorial Arena

Dalhousie's future plans for developing the student residence and student services building on the corner of LeMarchant Street and South Street include the demolition of the Memorial Arena. During the public hearing, concerns were expressed about the potential relocation of the arena to the Dalplex site, however, staff has received no information from Dalhousie concerning the

possible relocation, as no application for development of a new arena has been filed with the Municipality.

Parking

The proposed building does not include vehicle parking and will remove 13 parking spaces from the Studley Campus. During the public hearing it was expressed that this will further contribute to the parking shortage on the campus.

When the secondary plan for Peninsula Center was created it was determined that Dalhousie would need at least 1,730 parking spaces for the Studley Campus. Although the proposed development will remove 13 parking spaces from the campus, the total amount of parking on the Studley Campus will continue to exceed the required 1,730 parking spaces. As the proposed building is to provide on-campus residence and student services it is anticipated that an increase to parking is not necessary.

Additional Traffic

During the public hearing it was expressed that the new development would create an increase in traffic. A traffic study was completed for this application and was reviewed by HRM Traffic Services. It has been determined that the current road network can accommodate any additional traffic created by the proposed development.

Wind Study

The proposed building is 7 storeys in height. Opposite the site is Risely Hall, a 7 storey residence building. During the public hearing it was requested that a wind study be provided to determine any impacts that may be created by having two 7 storey buildings opposite each other. When the secondary plan for Peninsula Center was created it was determined that the proposed 7 storey buildings are suitable for the area. MPS policies do not require that a wind study be undertaken for the proposed building.

Physical Boundary from Residential Area

During the public hearing it was noted that there should be a physical boundary to separate the university use from the neighbouring residential area. When the secondary plan for Peninsula Center was created it required larger setbacks from the neighbouring residential areas along South Street, Oxford Street and Coburg Road. The required setbacks along South Street range from 55 feet to 75 feet. In most other areas of the Peninsula, multiple unit buildings and institutional buildings are required to be at least 10 feet from property line. As the proposed building is to be 70 feet in height (measured from the ground to the commencement of the top floor) a 75 foot setback, measured from the street right-of-way, is required. The Land Use Bylaw does not require the setback to be buffered through landscaping or fencing, as the 75 foot setback is considered to be a large enough buffer to separate the university use from the neighbouring residential area.

Additional Noise

Noise created by the additional students which would inhabit the proposed building was a common concern among those who spoke at the public hearing. Staff is unable to provide comment concerning the additional noise created by the potential future residents. All of the uses proposed for this building are permitted in both the U-1 and U-2 Zone and were considered appropriate in the area when the secondary plan was created.

Colour and Design of the Building

It was expressed during the public hearing that the design of the building and the colour scheme do not complement the surrounding neighbourhood. These issues are beyond the scope of the proposed rezoning but it is staff's understanding that Dalhousie staff is in discussions with the neighbourhood with a view to cosmetic building modifications.

Traffic During Construction

It was expressed during the public hearing that construction of the building would create disturbances to the neighbourhood traffic. With any development there may be complications for traffic due to construction. This issue is outside of the scope of what staff and council can consider when evaluating a rezoning for a property. Dalhousie has indicated that their construction team will meet with the neighbourhood to ensure issues surrounding construction are adequately dealt with.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy as describe in the staff report dated November 9, 2011.

ALTERNATIVES

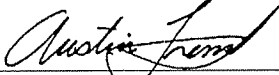
1. Council may choose to approve the rezoning of the 4 subject properties on the corner of Le Marchant St. and South St. from the U-1 (Low-Density University) to U-2 (High-Density University), and proposed housekeeping amendments to the ZM-17 Map and U-2 Zone as contained in Attachment A of the staff report dated November 9, 2011. This is the recommended course of action, for reasons outlined in this report.
2. Council may choose not to approve the rezoning of the 4 subject properties on the corner of Le Marchant Street and South Street from the U-1 (Low-Density University) to U-2 (High-Density University) and proposed housekeeping amendments to the ZM-17 Map and U-2 Zone, as contained in Attachment A of the staff report dated November 9, 2011. This alternative is not recommended, for the reasons outlined in this staff report.
3. Council may choose to approve certain amendments but not others contained in Attachment A or may request that additional amendments not identified in this report or the November 9, 2011 staff report be made, in which case an additional staff report or public hearing may be required.


ATTACHMENTS

None

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

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