



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.7
Halifax and West Community Council
November 15, 2016

TO: Chair and Members of the Halifax and West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: November 1, 2016

SUBJECT: **Case 20450: Amendment to Stage II Development Agreement, 980 Parkland Drive, Halifax**

ORIGIN

Application by API Development Consultants Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve, in resolution, the amending Stage II development agreement which shall be substantially of the same form as set out in Attachment A, to permit seven additional hotel rooms within the ground floor of an existing hotel development at 980 Parkland Drive, Halifax; and
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An application has been submitted by API Development Consultants Inc. to allow for seven additional hotel rooms within the ground floor of an existing hotel development located at 980 Parkland Drive, Halifax (Maps 1 and 2). The site is part of the mixed use Glenbourne Subdivision development and is subject to a Stage I development agreement that was approved in 1993. The Stage II development agreement for this particular site (within the overall subdivision) was approved in 2004.

Subject Site

Site	980 Parkland Drive, Halifax
Location	Northern end of Parkland Drive near Kearney Lake Rd./ Bicentennial Hwy.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Environments, Halifax Municipal Planning Strategy (MPS)
Zoning (Map 2)	Schedule K, Halifax Mainland Land Use By-law (LUB)
Size of Site	0.756 hectares (1.87 acres)
Street Frontage	Frontage and driveway access on Parkland Drive, additional frontage on the Bicentennial Highway
Site Conditions	Fully developed, paved and landscaped. Gently sloped, except where adjacent to the street frontages.
Current Land Uses	113-unit/ room hotel, with 126 surface parking spaces.
Surrounding Land Uses	The surrounding area is comprised of a mix of residential and commercial uses. Surrounding land uses include: <ul style="list-style-type: none">• Commercial uses to the northeast;• Low-density residential uses to the southeast, on the opposite side of Parkland Drive; and• the Bicentennial Highway to the west.

Proposal

The applicant wishes to amend the Stage II development agreement to allow for seven additional hotel rooms by converting existing underutilized space within the ground floor of the existing hotel, resulting in a total of 120 rooms. The existing agreement limits that number to 113 rooms. The applicant has indicated that there is adequate existing parking to meet Land Use By-law requirements.

Enabling Policy and Zoning Context

Implementation Policy 3.3 of the MPS establishes the need for comprehensive planning in Mainland North and enables the application of the Schedule K Zone under the LUB. All development under Schedule K is then subject to approval by Community Council, through the application of Stage I and Stage II development agreements which enable residential or mixed use projects.

Stage I and Stage II Development Agreements

A Stage I development agreement establishes an overall framework for development such as street layout, the types of uses to be permitted, general building locations, permitted land uses, allowable residential density, and servicing and phasing requirements. A Stage I development agreement and any subsequent amendments require a public hearing before Council can consider approval.

Through the guidance of the Stage I development agreement, a Stage II development agreement establishes detailed requirements for individual phases of development and can include detailed drawings for proposed buildings and specific landscaping and setback requirements. Where a Stage I development agreement requires a public hearing, a Stage II development agreement does not require a public hearing and is approved and amended by a resolution of Council.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through information on the HRM website and a sign posted on the site. A public information meeting and public hearing are not required for an amendment to a Stage II development agreement. The decision on the process is made by resolution of Council.

The proposed amending Stage II development agreement will potentially impact residents, property owners, community or neighbourhood organizations, and businesses.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. The proposed building alterations are to the interior only. There are no changes proposed to the existing building exterior, driveway access points or surface parking on the site. The underutilized space where the proposed seven additional hotel rooms are to be located was intended to be used as conference, office and exercise space, pursuant to the existing agreement. A portion of this space was more recently utilized as a spa for hotel guests. The applicant has indicated that this space is no longer required for those former uses. The existing Stage I development agreement does not specify particular uses for the space other than indicating that a "motel" use (which includes hotels) on the subject site may be permitted, provided the C-2A Zone requirements of the LUB are met. The applicant has indicated that the LUB requirements, including parking, will be maintained.

Attachment A contains the proposed amending Stage II development agreement for the site. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant MPS policies.

Conclusion

Staff has reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. Therefore, staff recommend that Halifax and West Community Council approve the proposed amending Stage II development agreement (Attachment A).

FINANCIAL IMPLICATIONS

There are no financial implications. The Applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this development agreement. The administration of the development agreement can be carried out within the approved 2016/17 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amending Stage II development agreement subject to modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amending Stage II development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Amending Stage II Development Agreement
Attachment B	Review of Relevant Municipal Planning Strategy Policies for Halifax

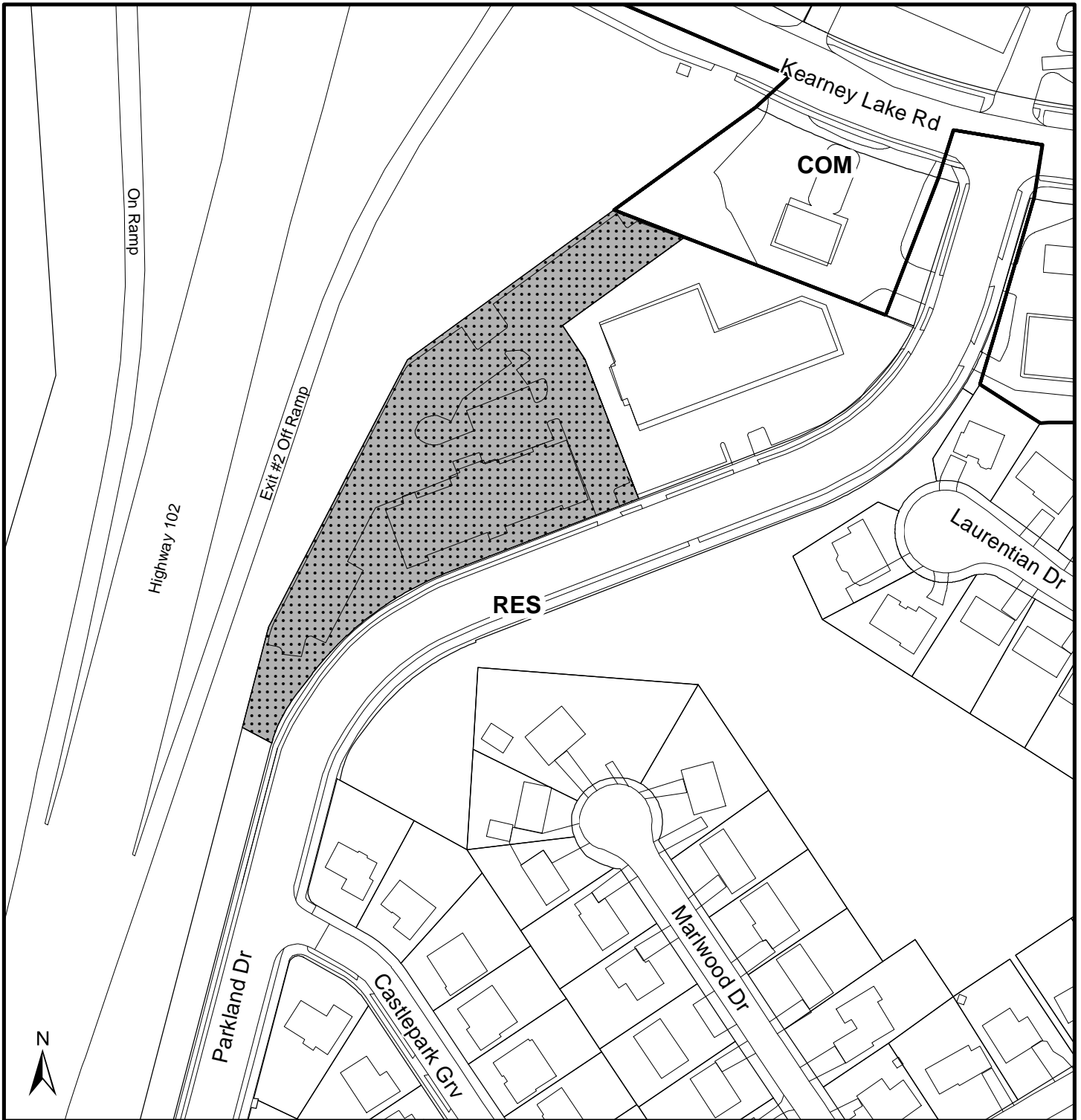
A copy of the existing development agreement may be obtained at:
<http://www.halifax.ca/planning/applications/Case20450Details.php>

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Paul Sampson, LPP, Planner II, Current Planning, 902.490.6259

Original Signed


Report Approved by: _____
Kelly Denty, Manager of Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

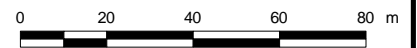
980 Parkland Drive
Halifax

HALIFAX

 Subject Property

Designations

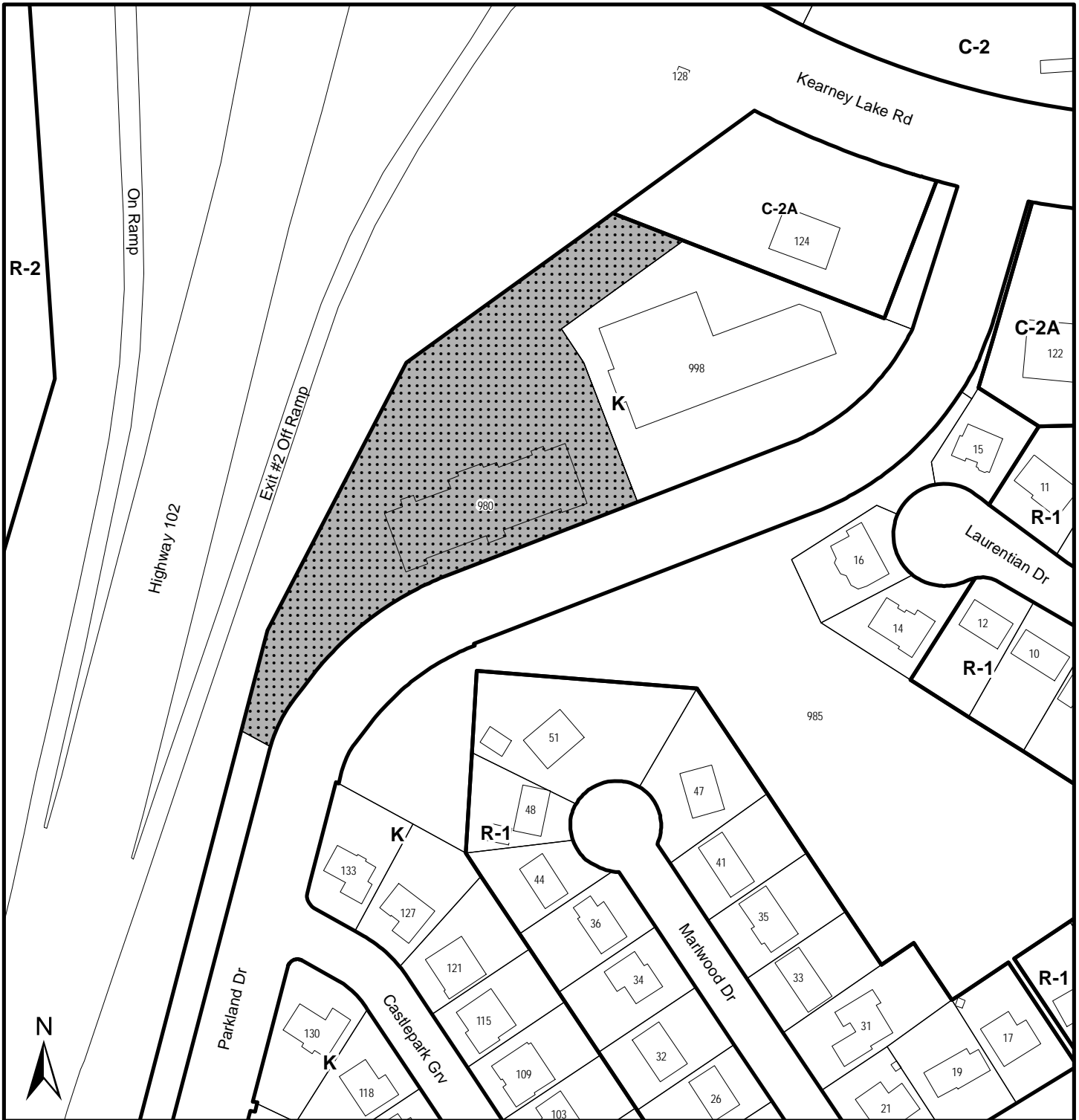
RES Residential Environments
COM Commercial



Halifax Plan
Area


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

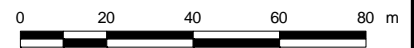


Map 2 - Zoning and Notification Area

980 Parkland Drive
Halifax

 Subject Property

Zone	
R-1	Single Family
R-2	Two Family Dwelling
K	Schedule K
C-2A	Minor Commercial



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Halifax Mainland
Land Use By-Law Area

The Existing Agreement is amended as follows:

- 1. The following text shown in bold shall be added as Section 3.13 following Section 3.12:

3.13 Notwithstanding Sections 3.1, 3.2, 3.3 and Schedule C (Ground Floor Plan), the Developer may utilize a portion of the ground-floor space for up to seven additional hotel units/ rooms for a total unit count not exceeding 120 units/ rooms, provided that the Land Use By-law requirements related to parking are met.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

Attachment B
Review of Relevant Municipal Planning Strategy
Policies for Halifax

Policy Criteria	Staff Comment
IMPLEMENTATION POLICIES	
<p>3.3 For the residentially designated undeveloped areas of Mainland North, the City shall, pursuant to Section 38(2)(p) of the Planning Act, establish such development regulations as are necessary to implement the policies of this Plan.</p>	<p>The subject property is designated residential environments and is located in Mainland North.</p>
<p>3.3.1 Further to Policy 3.3 above, these areas shall be identified on the zoning map and within such areas no development permit shall be issued unless the proposed development has been approved by a resolution of Council, and further, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</p>	<p>The subject property is zoned Schedule K Zone which identifies areas on the Zoning Map where a Stage I and Stage II Development Agreement require approval from Council before any development permits can be issued.</p>
<p>3.3.2 Further to Policy 3.3.1 above, the purpose for which land within these areas is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types, shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and shall include provision for automobile, transit and pedestrian circulation and an emphasis on conservation of natural environment features including lakes and waterways, mature trees and natural topographic features. In addition to the above, City Council may consider provision for minor commercial uses in accordance with Policy 3.1.2 in Section II, provided that such uses are consistent with the policies of this Plan, are compatible in design form and function with comprehensively planned development and with development adjacent to a comprehensively planned development, and that such uses are located in such manner as to be in accord with Policy 2.4.1 of Section II, as the principles of said policy may apply to areas of vacant land.</p>	<p>The existing Stage I and Stage II development agreements permit the development of a primarily residential development in form of a variety of housing types.</p> <p>The existing Stage I and Stage II development agreements also permit the development of a commercial node at the intersection of Kearney Lake Road and Parkland Drive which is intended to serve the residents of the immediate area.</p> <p>The proposed amendment to the Stage II development agreement will allow for an additional seven hotel rooms within the existing building.</p>
<p>3.3.3 The City shall prepare and adopt plans for major public facilities including the location of collector roadways, schools and major community open space in the residentially designated undeveloped areas of the City.</p>	<p>N/A</p>
<p>3.3.4 In entering into agreements pursuant to Policy 3.3.1 above, Council shall be guided by the policies contained in Section II of this Plan, and shall not enter into agreements which are inconsistent with the policies of this Plan.</p>	<p>The proposed amending Stage II development agreement is consistent with the policies of the Municipal Planning Strategy for Halifax.</p>

<p>3.3.5 Prior to entering into any agreements pursuant to Policy 3.3.1, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard</p>	<p>A public hearing is <u>not</u> required for Council to consider the proposed amending Stage II agreement.</p>
--	--

SECTION II – CITY-WIDE OBJECTIVES AND POLICIES

2. RESIDENTIAL ENVIRONMENTS
Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The existing hotel is located within an existing commercial node. No expansion to the building is proposed.</p>
---	--

SECTION II – CITY-WIDE OBJECTIVES AND POLICIES

3. COMMERCIAL FACILITIES
Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

<p>3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed amending Stage II development agreement clarifies that the commercial uses permitted on the Lands are limited to those uses in the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland, with the exception of a “motel” use, which includes hotels, on the subject property.</p> <p>The subject property is located within a commercial node focussed on Kearney Lake Road, which is a principle street. The subject property is already developed for commercial uses. Access to the property and surface parking is from Parkland Drive, near its intersection with Kearney Lake Road.</p>
--	---