



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## MEMORANDUM

TO: Chair and Members of District 7 and 8 Planning Advisory Committee

FROM: Stephanie Salloum, Planning Intern, Planning & Development

DATE: August 16, 2016

**SUBJECT: Case 20489: Application by Studioworks International Inc. to enter into a development agreement for 5540 Kaye Street, Halifax to allow a single residential unit penthouse at the 6<sup>th</sup> floor of a commercial building already under construction.**

---

As noted in the subject description, this case will consider the application to enter into a development agreement to allow for a residential unit on the top level of a commercial building under construction. The subject lands front on the southern side of Kaye Street. The applicant's submission materials are attached to this memo (Attachment A).

### Location

The subject property is:

- located along the southern boundary of Kaye Street in Halifax;
- comprised of a six storey commercial building under construction; and
- approximately 2,108 square feet in area with 31 feet of frontage along Kaye Street.

The surrounding area is comprised of residential and commercial uses, which include:

- a mixed use development with two underground parking levels, two commercial levels, and five residential storeys, that abuts the western boundary of the subject property and is on the corner of Kaye Street and Isleville Street;
- a three storey mixed use building located east of the subject property, with commercial uses on the first and second floor and a residential penthouse on the top level;
- Hydrostone Park located across the street;
- commercial uses along Young Street, further to the north; and
- low rise residential uses to the south.

### Designation and Zoning

The subject property is:

- designated Major Commercial (MJC) under the Peninsula North Secondary Plan of the Municipal Planning Strategy for Halifax, Area 5 (Map 1); and
- zoned C-2 (General Business) under the Halifax Peninsula Land Use By-law (Map 2).

---

### Planning & Development

Tel: 902.490.4553 Fax: 902.490.4406  
Email: [sallous@halifax.ca](mailto:sallous@halifax.ca) [halifax.ca](http://halifax.ca)

### **Public Consultation**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, and postcards mailed to property owners within the notification area (Map 2). Comments were received from six residents regarding the proposal. The residents expressed that there is insufficient parking in the area and were concerned about a change in use while the building is still under construction for commercial uses. One resident thought the proposal would add to the character of the area.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

### **Current Proposal**

A copy of the current plans is included as Attachment A of this report. The proposal involves an internal conversion of the sixth level under construction to residential. The existing lot, identified as PID 00127100, does not meet the minimum lot area for a single residential unit. The required lot area is a minimum of 3,000 sq. ft. The proposal is being considered in accordance with Implementation Policy 4.6 under the Halifax MPS and Section 99(5) of the Halifax Peninsula LUB (see Attachment B).

### **Input Sought from the Committee**

Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the proposed development. The recommendation will be included in the staff report to Halifax and West Community Council. Specific items that the Committee may wish to address include the following:

- the proposed development agreement to allow for the consideration of a residential penthouse on the sixth level of a commercial building under construction; and
- the potential impact on neighbouring properties.

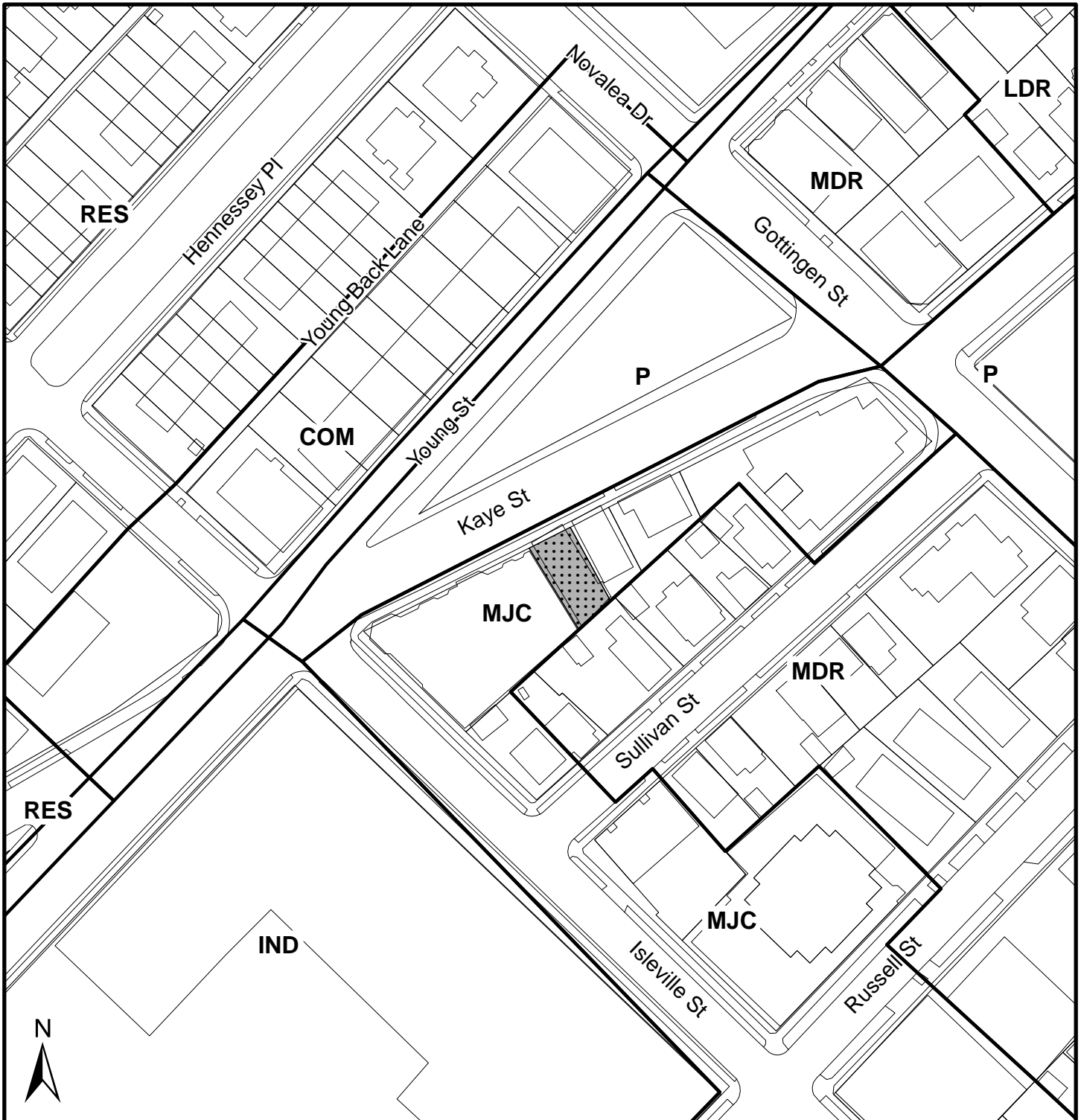
### **Attachments**

Map 1: Generalised Future Land Use

Map 2: Zoning and Notification Area

Attachment A: Current Proposal

Attachment B: Review of Relevant MPS Policies



**Map 1 - Generalized Future Land Use**

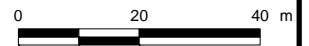
5540 Kaye Street  
Halifax

 Subject Property

**Designations**

- RES Residential Environments<sup>(1)</sup>
- LDR Low Density Residential
- MDR Medium Density Residential
- MJC Major Commercial
- COM Industrial
- IND Commercial
- P Park and Institutional

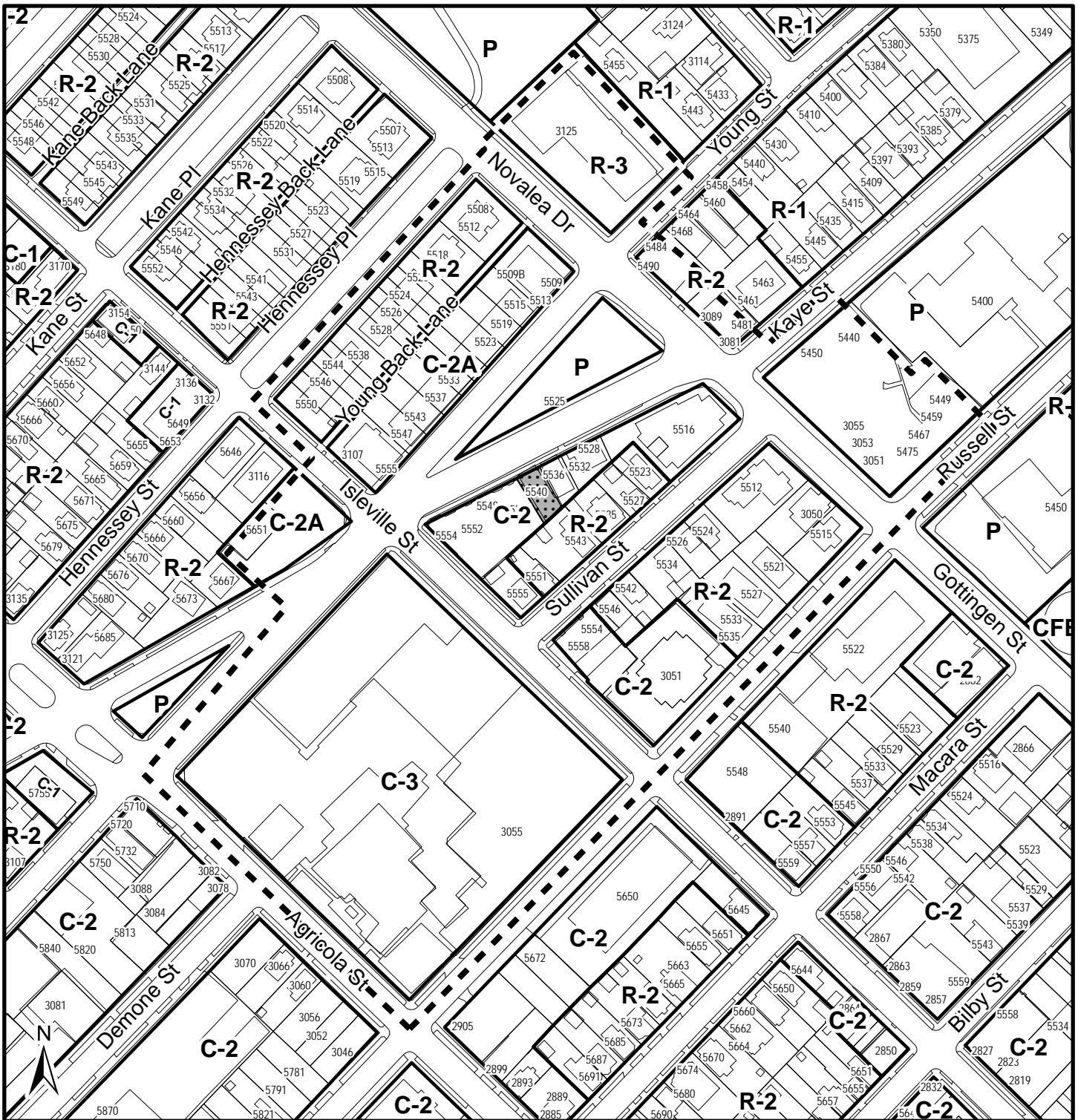
(1) Including community open spaces and other neighbourhood uses.



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.



Halifax Plan Area  
Peninsula North Plan Area - Area 5



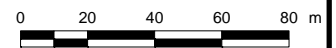
### Map 2 - Zoning & Notification Area

5540 Kaye Street  
Halifax

**HALIFAX**

-  Subject Property
-  Area of Notification

- Zone**
- R-1 Single Family Dwelling
  - R-2 General Residential
  - R-3 Multiple Dwelling
  - C-2 General Business
  - C-2A Minor Commercial
  - C-3 Industrial
  - P Park and Institutional



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

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

Halifax Peninsula  
Land Use By-Law Area

**Attachment A**



ARCHITECTURE • PLANNING • INDUSTRIAL DESIGN • PROJECT MANAGEMENT

**DATE:** March 30, 2016  
**ATTN:** Sean Audas  
HRM Planning and Development,  
West End Office, Bayers Road,  
Halifax, Nova Scotia  
**TEL:** 490-4402ph / 490-4820fax  
**RE:** Proposed Mixed Use Building,  
3283927 NS Ltd  
PID # 00127100 / 5540 Kaye Street,  
Halifax, NS

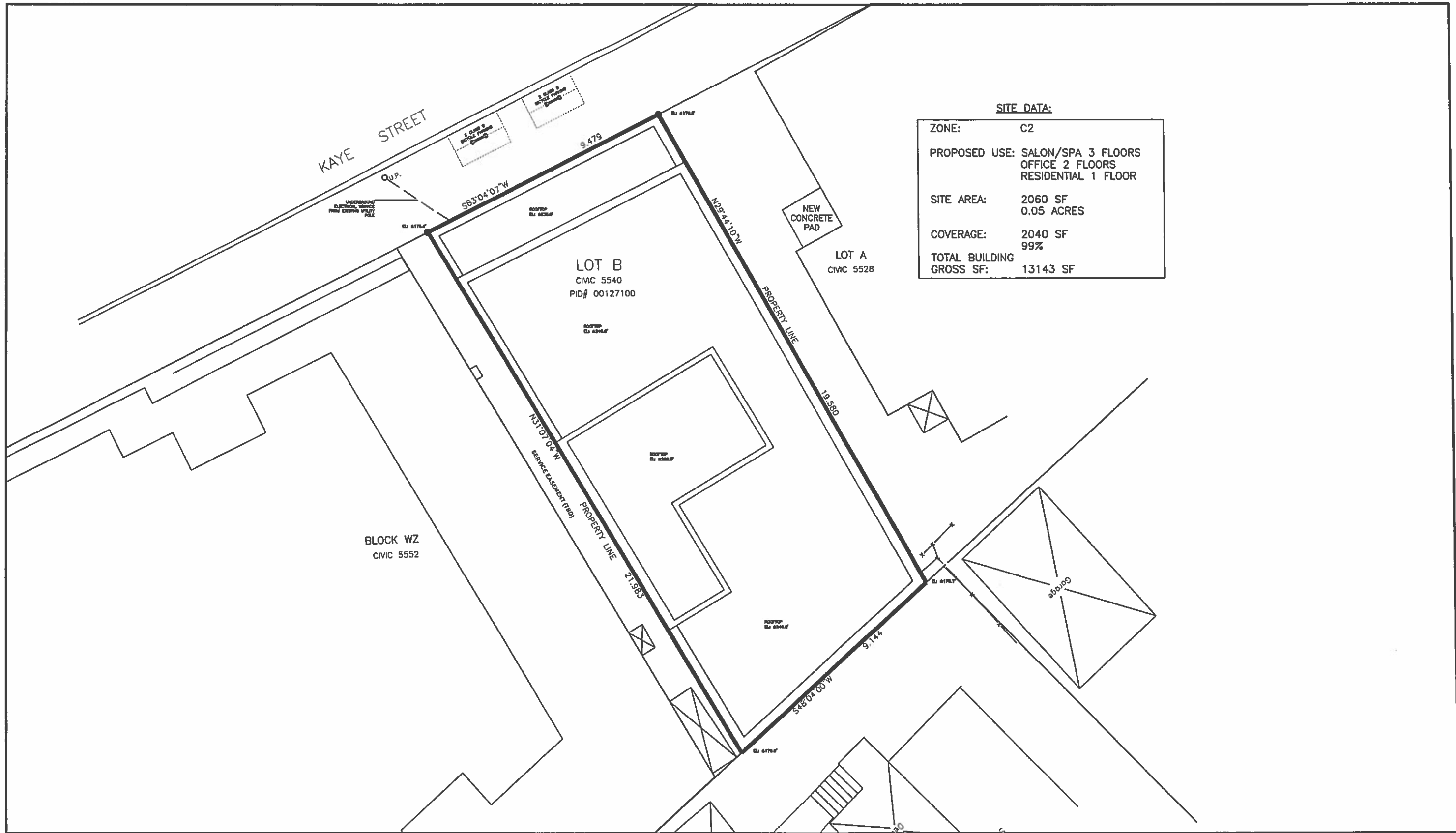
On behalf of 3283927 NS Ltd., please find our Development Agreement Application for a residential penthouse of the property known as 5540 Kaye Street, Halifax, Nova Scotia. The application consists of the Planning Application Form, site plan, concept drawings plus associated fees.

The proposal consists of one residential penthouse on the 6<sup>th</sup> storey of a mixed use building that is currently under construction.

*Best Regards*

Ronald V. Smith, MRAIC, MNSAA, MNLAA

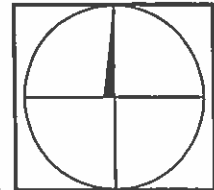




**STUDIO WORKS**  
INTERNATIONAL INC  
6134 Quippen Road  
Halifax, Nova Scotia  
B3E 1A3  
phone: 902-429-3339  
fax: 902-429-1171  
email: studio@studio.com  
www.studioworks.ca

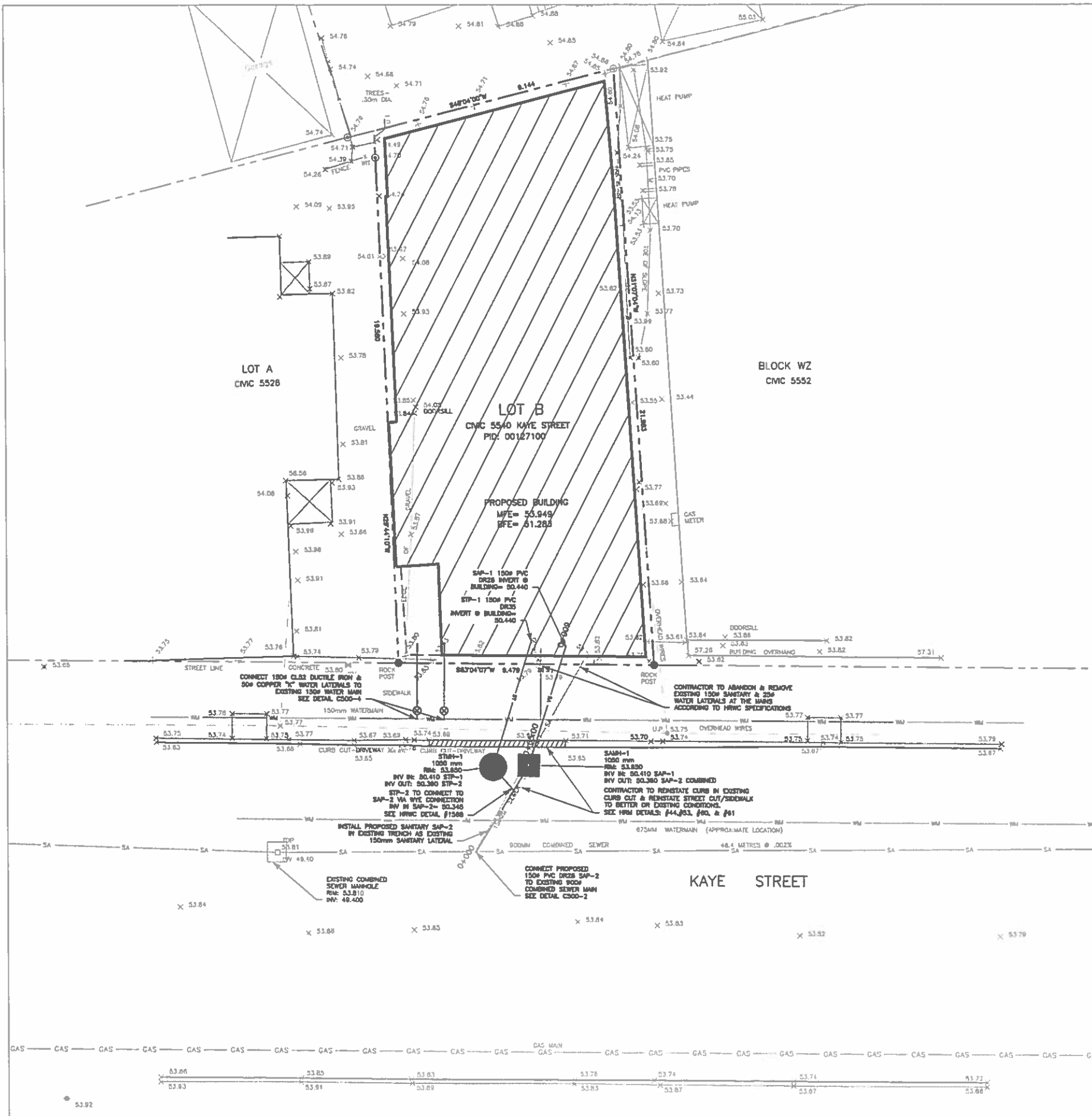
title  
**KS1501 - KAYE ST. COMMERCIAL BUILDING  
SITE PLAN**

location  
**5540 KAYE STREET**



scale	3/32" = 1'-0"
date	29/03/16
drawn	LG
proj.	KS1501

dwg no:	<b>S1</b>
rev.	



Keyplan

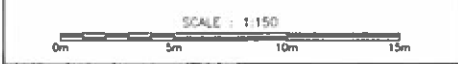
LEGEND		
EXISTING		PROPOSED
○	GATE/BUTTERFLY VALVE	○
+	STREET SIGN	+
○/○	POWER POLE/LIGHT POLE	○/○
⊠	CATCH-BASH	⊠
∩	CULVERT	∩
▽	ELEVATION	▽
○	HYDRANT	○
---	PROPERTY BOUNDARY	---
---	OVERHEAD LINE	---
---	SANITARY MANHOLE & PIPE	---
---	STORM MANHOLE & PIPE	---
---	WATERMAIN	---
---	WATER SERVICE	---
---	FORCEMAIN	---
---	UNDERGROUND CONDUIT	---
---	CONCRETE THRUST BLOCK	---
---	CURB AND DRIVEWAY CUT	---
---	SIDEWALK	---
---	STREET LINE	---
---	DRAINAGE DIRECTION	---
---	SHALE FLOW	---
---	CONTOUR LINES	---
---	GAS LINE	---
---	TREE	---
---	BOTTOM OF SLOPE	---
---	TOP OF SLOPE	---
---	GUARD RAIL	---
---	SKY FENCE	---

NOTES:  
1. PLAN IS IN METRIC UNITS OF METERS.

CONTRACTOR TO DISCONNECT & ABANDON ANY EXISTING SERVICES WATER, SANITARY OR STORM TO 5540 KAYE STREET (PID: 00127100) AS PER HALIFAX WATER SPECIFICATIONS.

2	08/10/2015	REVISED
1	12/11/2015	ISSUED FOR PERMIT REVIEW

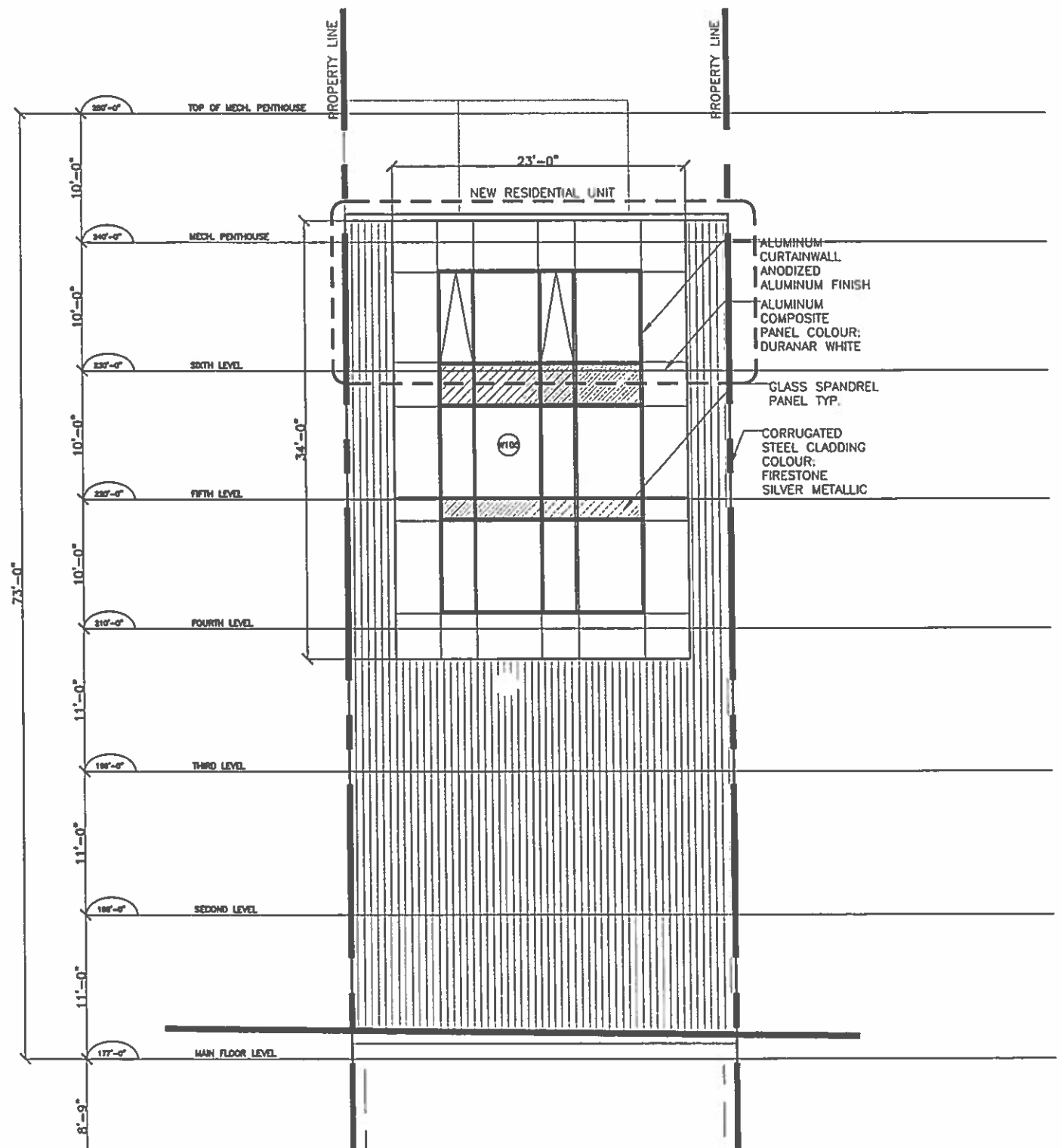
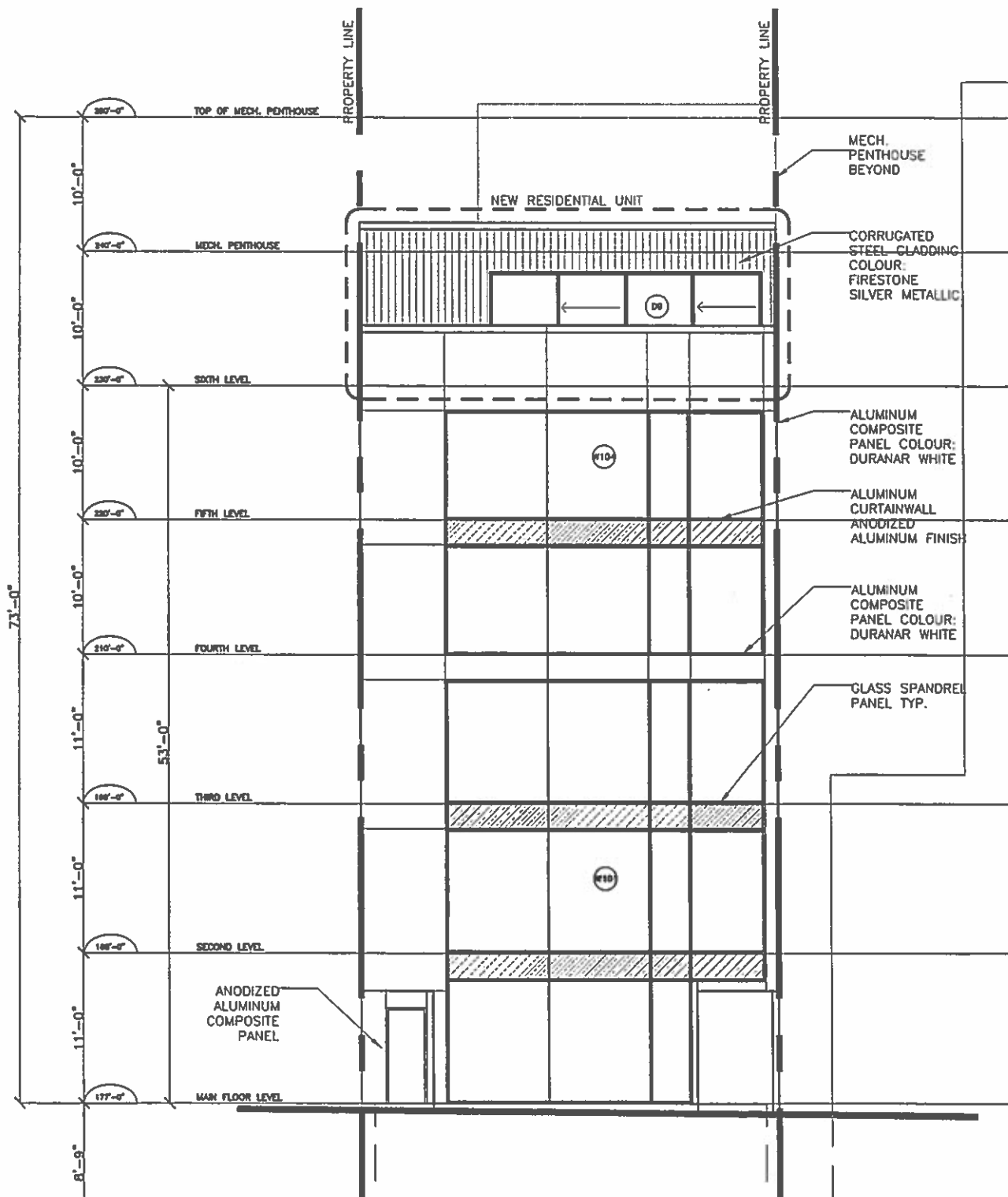
Seal:



**SPIRIT SPA**  
5540 KAYE STREET  
HALIFAX, NOVA SCOTIA

**SITE SERVICE PLAN**

Date	SEPTEMBER 17, 2015	Drawn	J.HENMAN
Scale	1:75	Engineer	J.PRIDEMORE
		Plan No.	C100



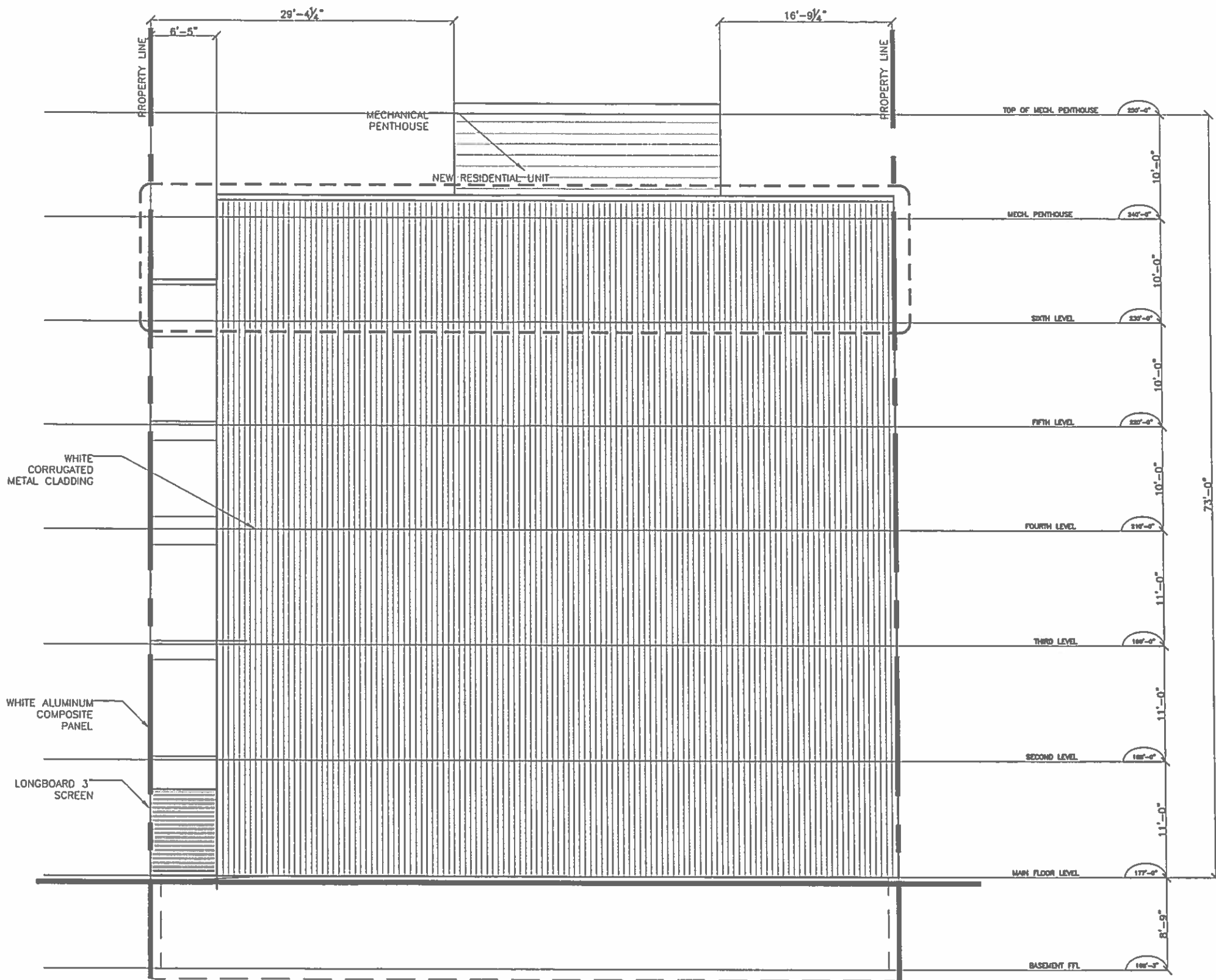
**STUDIO WORKS**  
INTERNATIONAL INC.  
Suite 100  
4134 Quipwood Road  
Halifax, Nova Scotia  
B3L 1A3  
PHONE: 902 429 3339  
FAX: 902 429 1877  
EMAIL: studio@studio-works.com  
WWW: www.studio-works.com

title  
**KS1501 - KAYE ST. COMMERCIAL BUILDING  
ELEVATIONS**  
location  
**5540 KAYE STREET**

scale  
3/32" = 1'-0"  
date  
29/03/16  
drawn  
LG  
proj.  
KS1501

dwg no:  
**A02**  
rev.





**STUDIO WORKS**  
 INTERNATIONAL INC.  
 4150 Dunlop Road  
 Halifax, Nova Scotia  
 B3H 1A3  
 phone: 902 429 3399  
 fax: 902 429 1472  
 email: studio@studio-works.com  
 website: www.studio-works.com

title  
**KS1501 - KAYE ST. COMMERCIAL BUILDING  
 ELEVATIONS**  
 location  
**5540 KAYE STREET**

scale  
 3/32" = 1'-0"  
 date  
 29/03/16  
 drawn  
 LG  
 proj.  
 KS1501

dwg no:  
**A04**  
 rev.