


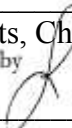


P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.6
Halifax Regional Council
December 10, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer
Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: November 4, 2013

SUBJECT: **Case 18322: Proposed Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law - 6124 Coburg Road and 1460-1474 Seymour Street, Halifax**

ORIGIN

Application from Geoff Keddy Architects and Associates

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to permit a five storey mixed use building at 6124 Coburg Road and 1460-1474 Seymour Street, by development agreement; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

The subject site, 6124 Coburg Road and 1460-1474 Seymour Street, is comprised of three properties located at the south-west side of the intersection of Coburg Road and Seymour Street (Map 1). The subject site includes a three storey mixed commercial and residential building, a two unit dwelling and a single unit dwelling. The applicant has proposed to develop a 5 storey mixed use (commercial and residential) building on the site, which would include 35 residential units and approximately 1,500 square feet of commercial floor area. This proposal cannot be considered under existing policy and zoning established in the Municipal Planning Strategy (MPS) for Halifax and the Land Use By-law (LUB) for Halifax Peninsula. As such, the applicant is seeking an amendment to the MPS and LUB to enable consideration of their proposal through a development agreement.

Site Description and Surrounding Land Uses

The subject site consists of three properties which are:

- approximately 8,504 square feet in total area and has a total street frontage of approximately 195 feet;
- currently developed with 3 buildings which include a convenience store with residential units on the second level and a single and two unit dwelling (see Attachment A);
- located adjacent to the Dalhousie University Studely campus. The subject site abuts the Mona Campbell building, a 5 storey building on Colburg Road which was constructed in 2008;
- located across the street from a 10 storey multiple unit building and a 4 storey multiple unit building; and
- further surrounded by a mix of uses including lower density residential uses located north of Coburg Road, small multiple unit residential buildings and institutional uses located to the south of Coburg Road.

Designation and Zoning

The subject site:

- is designated Medium Density Residential (MDR) in the Peninsula Centre Secondary Plan of the Halifax Municipal Planning Strategy as shown on Map 1. The designation is intended to support a mixed residential environment with both family-oriented units and smaller housing units in buildings not exceeding four storeys. Family units are defined as those with more than 800 square feet of floor area, and 50% of the units in any building must be of this form. A key component of the Medium Density Residential designation is the retention of existing housing stock.
- abuts the University (U) Designation on 3 sides. The objective of the U Designation is to support the continued development of the university areas as a focal point for academic, social and the containment of university uses with set boundaries.
- is zoned R-2 (General Residential Zone) and RC-1 (Neighborhood Commercial Zone) under the LUB as shown on Map 2. The R-2 Zone permits those uses permitted in the R-1 (Single Family Dwelling) Zone and two unit dwellings. The RC-1 Zone permits those uses permitted in the R-1 and R-2 Zone, and apartment houses for up to 4 units and a

grocery store or drug store.

- is within the 35 foot height precinct as shown on Map 3. It is important to note that the height at 6124 Coburg Road is measured from the grade to the commencement of the top floor, while the building heights along 1460-1474 Seymour Street are measured from the grade to the highest point of the building, exclusive of any non-habitable roof (Map 3).

Proposal

The applicant wishes to demolish the existing buildings on the subject site and to develop a 5 storey mixed use building containing residential and commercial space as shown on Attachment B. Features of the development include the following:

- 35 residential units through a mix of one and two bedroom units;
- 1,500 square feet of commercial floor area;
- 33 parking spaces located underground and internally at grade;
- the building will have a height of approximately 64 feet; and
- 6,650 square feet of amenity space will be provided through a combination of common outdoor space and private balconies.

The size, density and height of the proposed building do not comply with the Halifax MPS and Halifax Peninsula LUB (the planning documents). The applicant believes that the proposed building is both suitable for the site and its surroundings despite the area originally being envisioned for low-rise development. Therefore, the applicant is requesting amendments to the planning documents to enable the proposed building subject to a development agreement.

DISCUSSION

MPS Amendment Process

Amendments to an MPS are generally not considered unless it can be shown that circumstances have changed since the document was adopted to the extent that the original land use policy is no longer appropriate. Site specific MPS amendment requests, in particular, require significant justification to be considered. To support the request to amend the MPS in this case, the applicant submits that conditions have changed considerably in the 30 years since the existing Medium Density Residential designation and 35 foot height limit were applied to the subject site. The following reasons are given by the applicant:

- Requirements in the LUB, especially those surrounding the angle controls and setbacks from the street, limit flexibility when designing a building. The MPS does not include any policies that provide the ability to consider changes to the angle control and setback requirements through discretionary approval.
- The allowable density should be increased to invigorate the downtown.
- The allowable heights on two of the subject properties, 1460-1474 Seymour Street, do not allow a building height consistent with what is permitted on 6124 Coburg Road or the adjacent property 1459 LeMarchant Street. All properties are located in the 35 foot height precinct, however, height is measured differently on 6124 Coburg Road and 1459 LeMarchant Street which allows for an additional storey over the 35 feet (Map 3).
- The subject properties are no longer used as single family dwellings and are primarily

occupied by students.

- Allowing an amendment to the MPS will result in assurances through the development agreement process of a better quality of development than can be achieved otherwise.

Evaluation of Development Proposal

The subject properties are located in a unique area as they are adjacent to a university designation, and in close proximity to high density residential. Further, the subject properties are no longer used for family type housing and the majority of the housing on the block does not appear to be family type housing. Staff is of the opinion that there is merit in considering such an amendment due to the unique location of the property and because land use has changed since the secondary plan and land use designation were adopted. Factors of the development that require further consideration include, but are not limited to:

- the building design and whether the design should be more contemporary or traditional in appearance;
- whether the proposed height increase should be permitted over the three subject properties; and
- whether parking should be permitted at grade, or alternatively if additional commercial space or residential space would be more appropriate uses.

It is important to note that staff has received objections to the proposal from the immediate neighbours of the subject site. Comments have included concerns regarding potential impact to neighbouring properties caused by blasting, increase demand for on street parking, and the collection and storage of refuse. Additional concerns have been expressed about the unit mix, the inappropriateness of a commercial use in this location and that the proposal may amount to overdevelopment of the site. Attachment C contains correspondence from the immediate neighbours to the proposed development.

Should Regional Council authorize staff to initiate a process to consider MPS and LUB amendments for the subject site, an opportunity will be provided to further investigate and discuss potential development options related to future land use with the public in a more formal setting.

Conclusion:

Due to the land use changes that have occurred since adoption of the original MPS and LUB, and the unique location of the subject property, staff is of the opinion there is merit in considering an amendment to the planning documents to allow for more height, and density and a wider range in commercial uses. Although feedback has already been received from the immediate neighbours, further public consultation should be undertaken to enable staff to gather a broader collection of the public sentiment.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Council choose to initiate the MPS amendment process for this proposal or to enable an alternate proposal, the *HRM Charter* requires that Council approve a public participation program when considering any amendment to an MPS. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement would be consultation, achieved through a public meeting and an online forum early in the review process, as well as a public hearing before Regional Council could consider approval of any amendments.

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, developers, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the MPS.

ALTERNATIVES

1. Council may choose to initiate the MPS amendment process for the proposal. A decision of Council to initiate the potential amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*. This is the staff recommendation.
2. Council may choose to refuse to initiate the MPS amendment process for this proposal. A decision of Council to not initiate the potential amendments is not 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
Map 3	Height Precincts
Attachment A	Photographs of Existing Buildings
Attachment B	Site Plan and Elevations
Attachment C	Correspondence from Neighbouring Property Owners

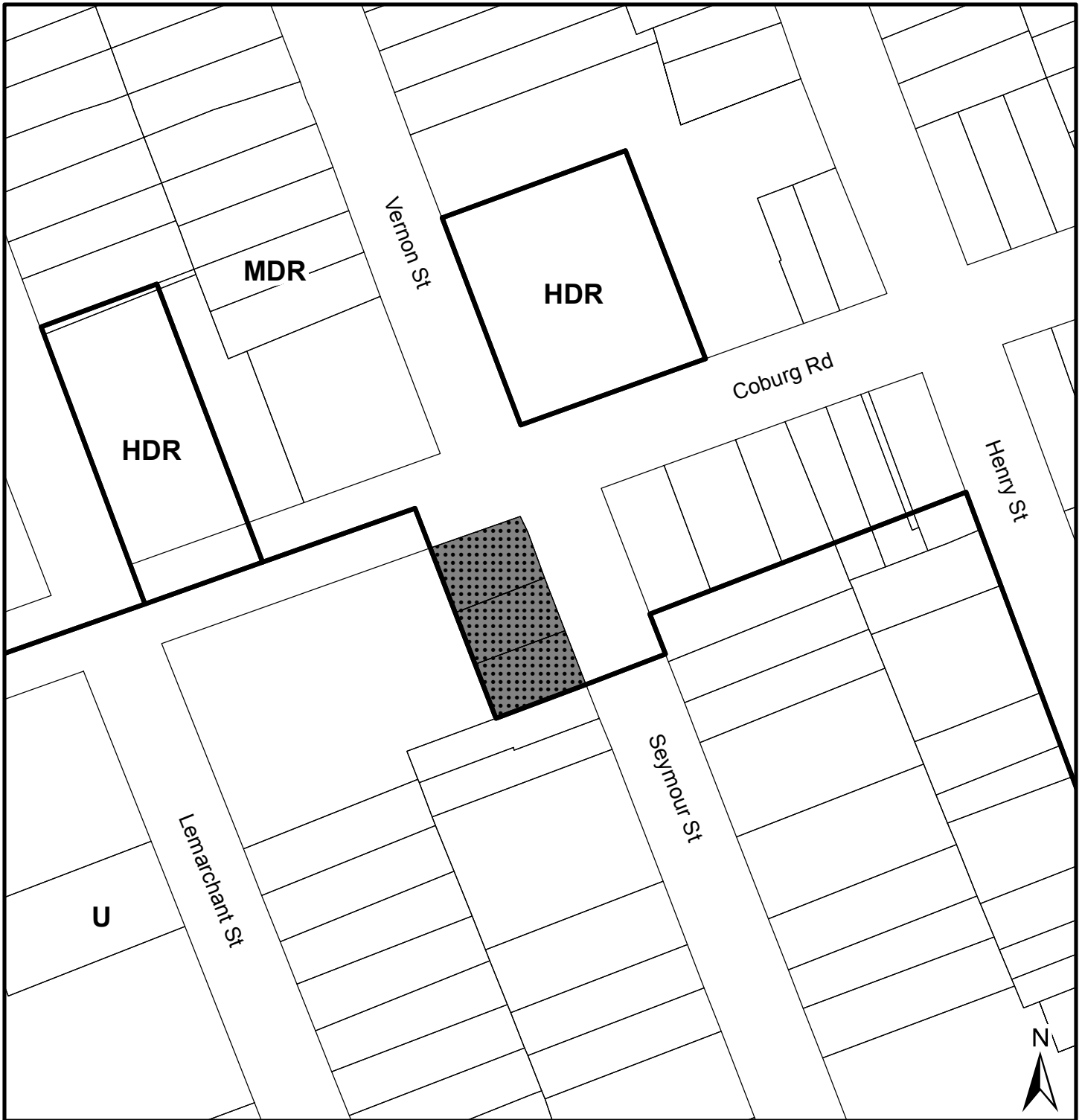
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jillian MacLellan, Planner 1, Development Approvals, 490-4423

Report Approved by: for: Kelly Denty, Manager of Development Approvals, 490-4800

Report Approved by: Austin French, Manager of Planning, 490-6717


Report Approved by: Brad Anguish, Director of Community & Recreation Services, 490-4933



Map 1 - Generalized Future Land Use

1460-1474 Seymour Street
and 6124 Coburg Road
Halifax



 Area of proposed
MPS amendment and
development agreement



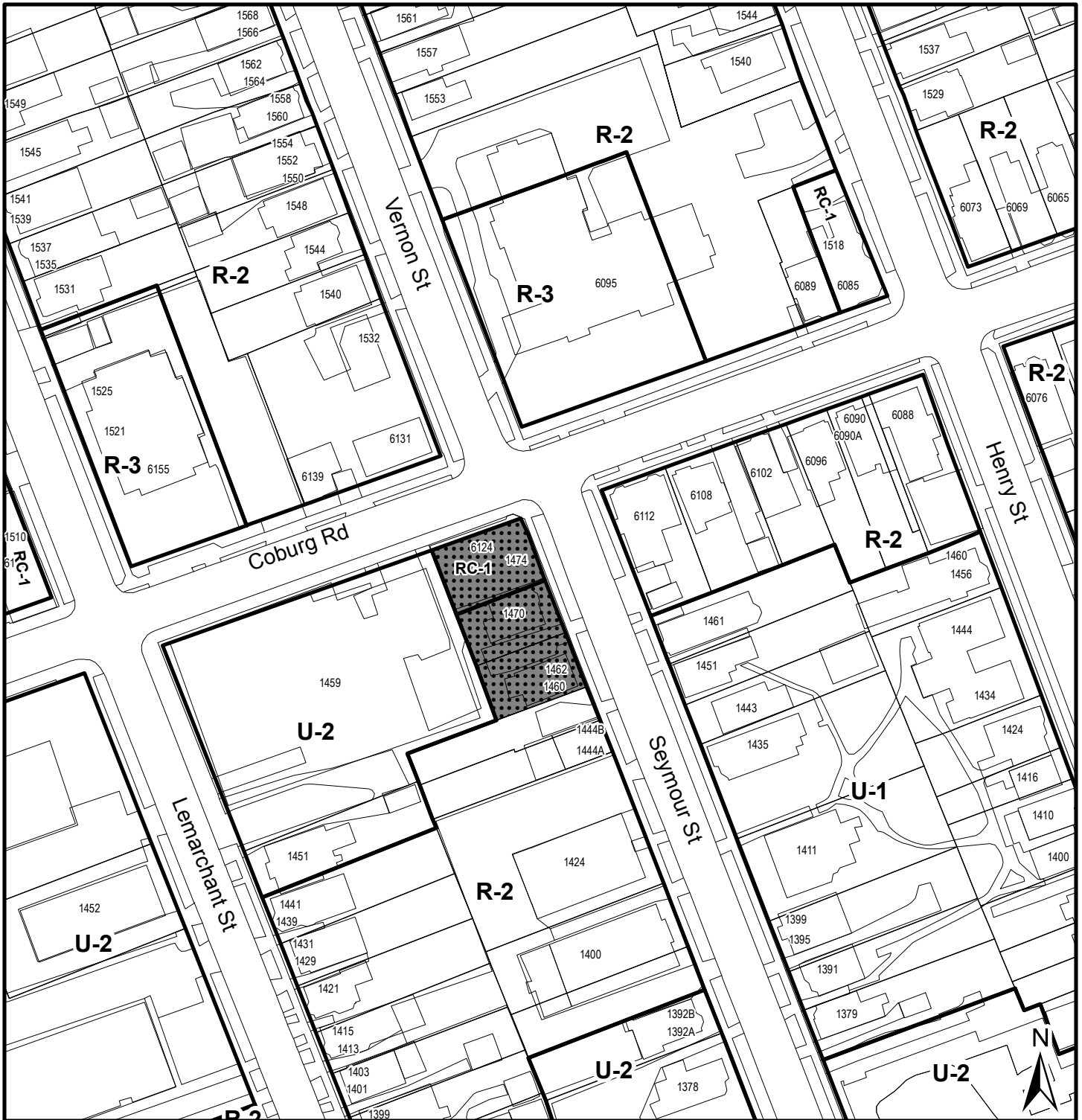
Designation

- MDR Medium Density Residential
- HDR High Density Residential
- U University

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


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Halifax Plan Area
Peninsula Centre Detailed Plan Area



Map 2 - Zoning

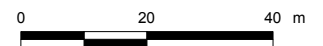
1460-1474 Seymour Street
and 6124 Coburg Road
Halifax

 Area of proposed
MPS amendment and
development agreement

Halifax Peninsula
Land Use By-Law Area

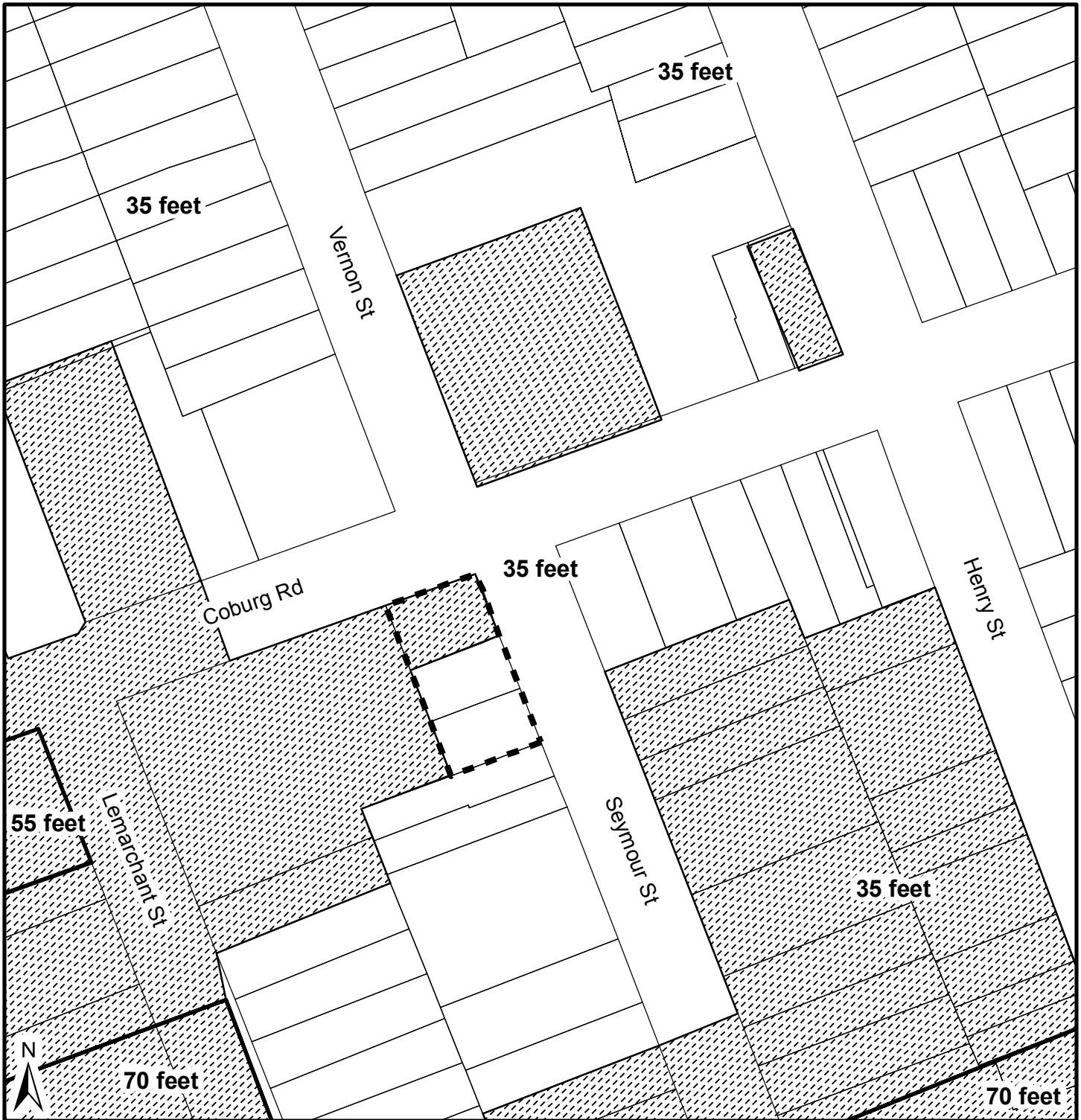
Zone

- R-2 General Residential
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- U-1 Low-Density University
- U-2 High-Density University




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Map 3 - Height Precinct

1460-1474 Seymour Street
and 6124 Coburg Road
Halifax

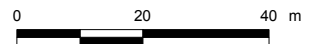
 Area of proposed
MPS amendment and
development agreement



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street



Area where maximum permitted height is measured between the highest point of the building, exclusive of any non-habitable roof, and the mean grade of the finished ground adjoining the building between the building and the fronting street



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

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Halifax Peninsula
Land Use By-Law Area

Attachment A – Photographs of Existing Site



Subject Properties



View from Vernon Street



View from Seymour Street

APPLICATION FOR DEVELOPMENT AGREEMENT

ADDRESS : 6124 COBURG ROAD, 1474,1470,1482,1486,1460 SEYMOUR STREET

PID's : 00068452, 00068445, 00465005

TOTAL PROPOSED UNITS : 35 UNITS

ONE-BEDROOM UNITS : 30 UNITS

TWO-BEDROOM UNITS : 5 UNITS

PARKING SPACES : 33

TOTAL LOT AREA : 8,504 SQUARE FEET

BUILDING FOOTPRINT : 7,770 SQUARE FEET

5 LEVELS + PENTHOUSE

DENSITY PERMITTED UNDER R-3 ZONE : 41.5 PEOPLE

DENSITY PROPOSED :

30 - 1 BEDROOMS = 60 PEOPLE

5 - 2 BEDROOMS = 10 PEOPLE

TOTAL = 70 PEOPLE

OPEN SPACE REQUIRED UNDER R-3 ZONE: 6,600 SQ.FT IN WHICH 5,700 SQ.FT. TO BE LANDSCAPED OPEN SPACE

PROPOSE OPEN SPACE AT GRADE : 1,400 SQ.FT.

PROPOSED LANDSCAPED OPEN SPACE ON THE ROOF : 2,395 SQ.FT.

BALCONIES : 2,855 SQ.FT.

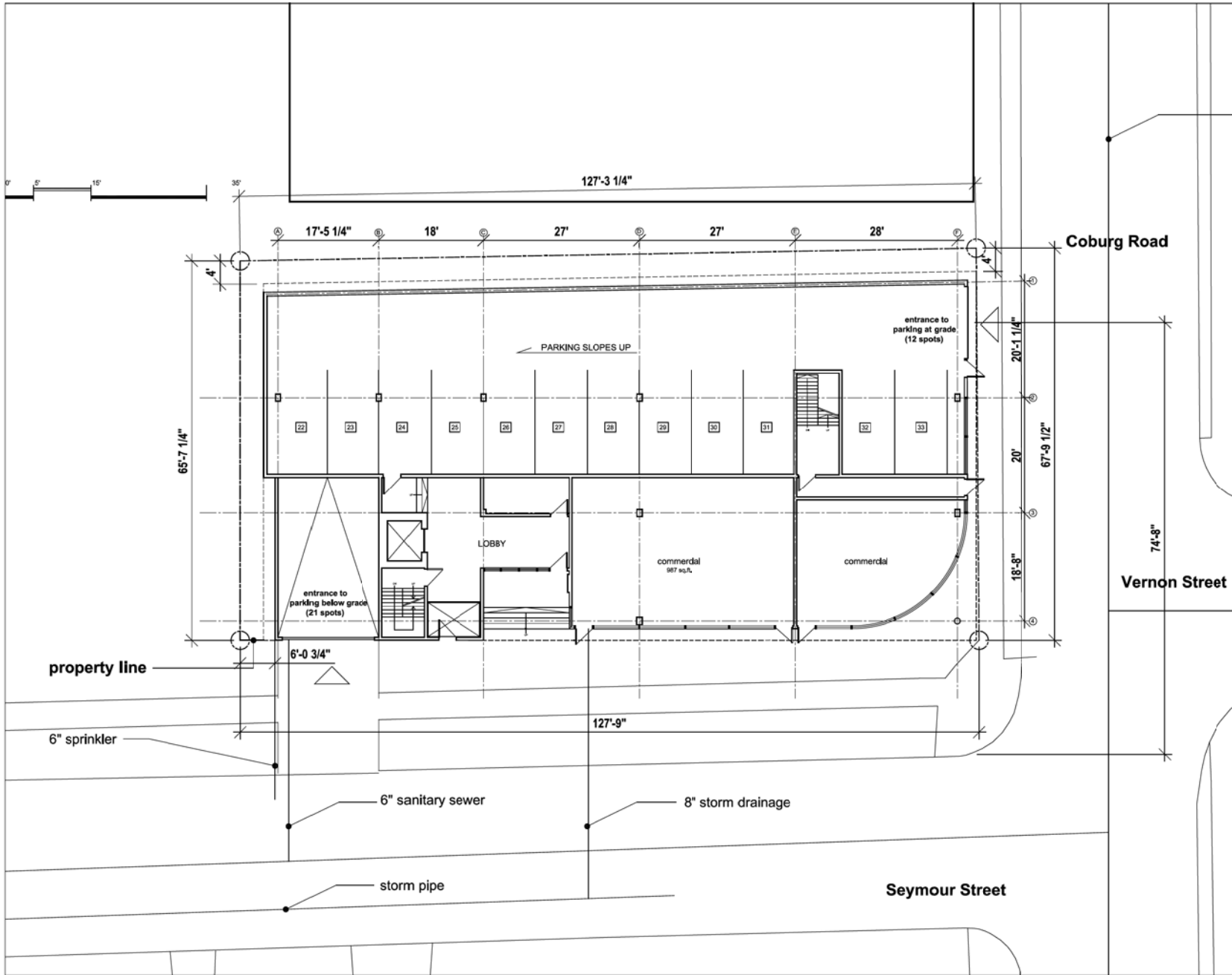
TOTAL : 6,650 SQ.FT.

S E Y M O U R B U I L D I N G



06-11-12 Geoff Keddy Architects and Associates

DRAWING LIST
#100 SITE PLAN
#200 PARKING
#300 SEYMOUR STREET ELEVATION
#400 MAIN LEVEL PLAN
#500 MAIN LEVEL PLAN
#600 SEYMOUR STREET ELEVATION
#700 WEST ELEVATION
#800 WEST ELEVATION
#900 SOUTH ELEVATION



SEYMOUR BUILDING
seymour street
HALIFAX, NS

Geoff Keady Architect
and Associates Ltd.

5357 Inglis Street
Halifax, Nova Scotia
B3N 1A4
902 420 9400
902 406 6056

north



ADDRESS : 6124 COBURG ROAD, 1474, 1470,
1462, 1460 SEYMOUR STREET,
PID# : 00068452, 00068445, 00460505
OWNER : JOHN GHOSH

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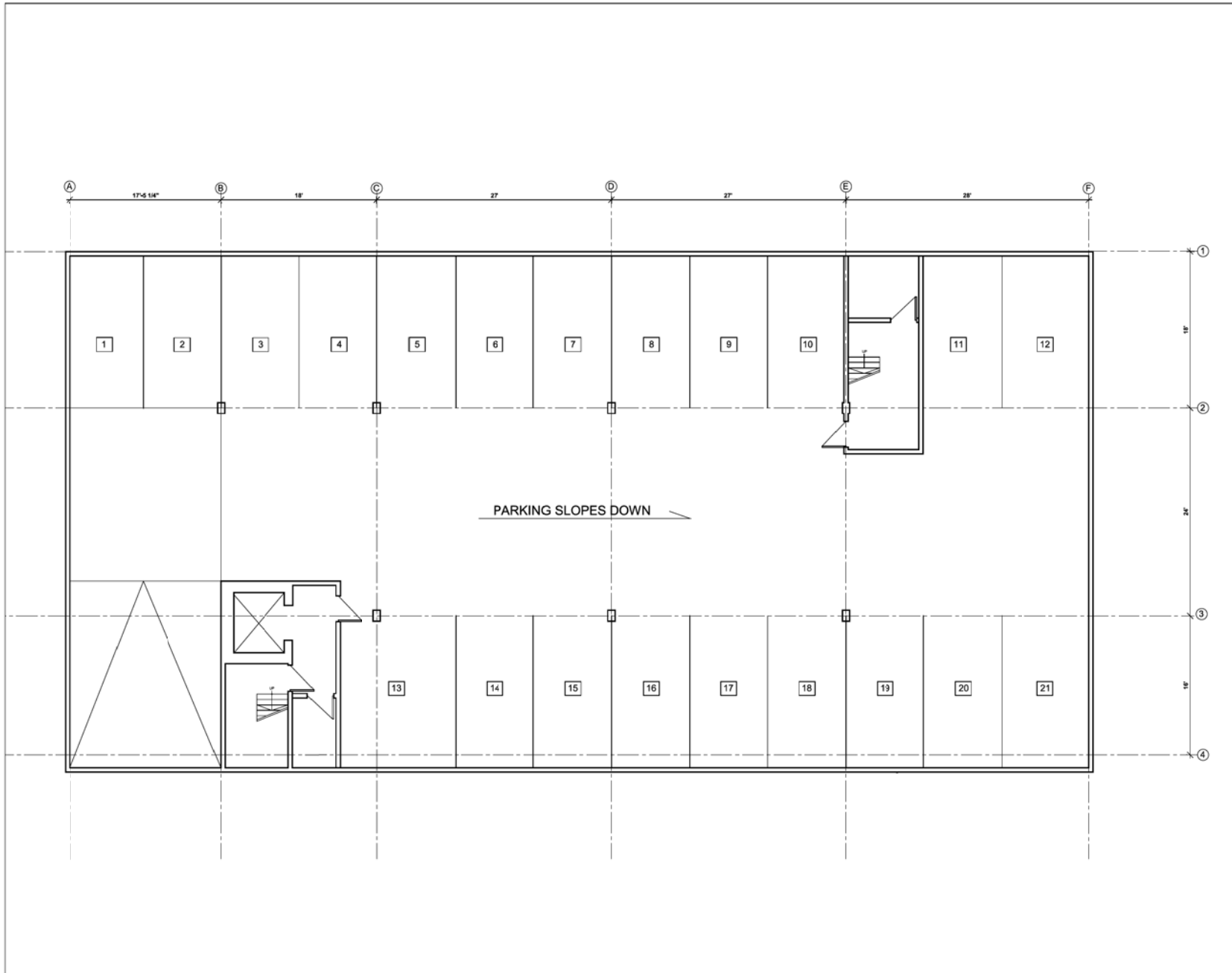
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SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture
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SITE PLAN

scale: 1/8" = 1'-0"
date: 10/10/12
drawn by: JF
checked by: JF

A 100



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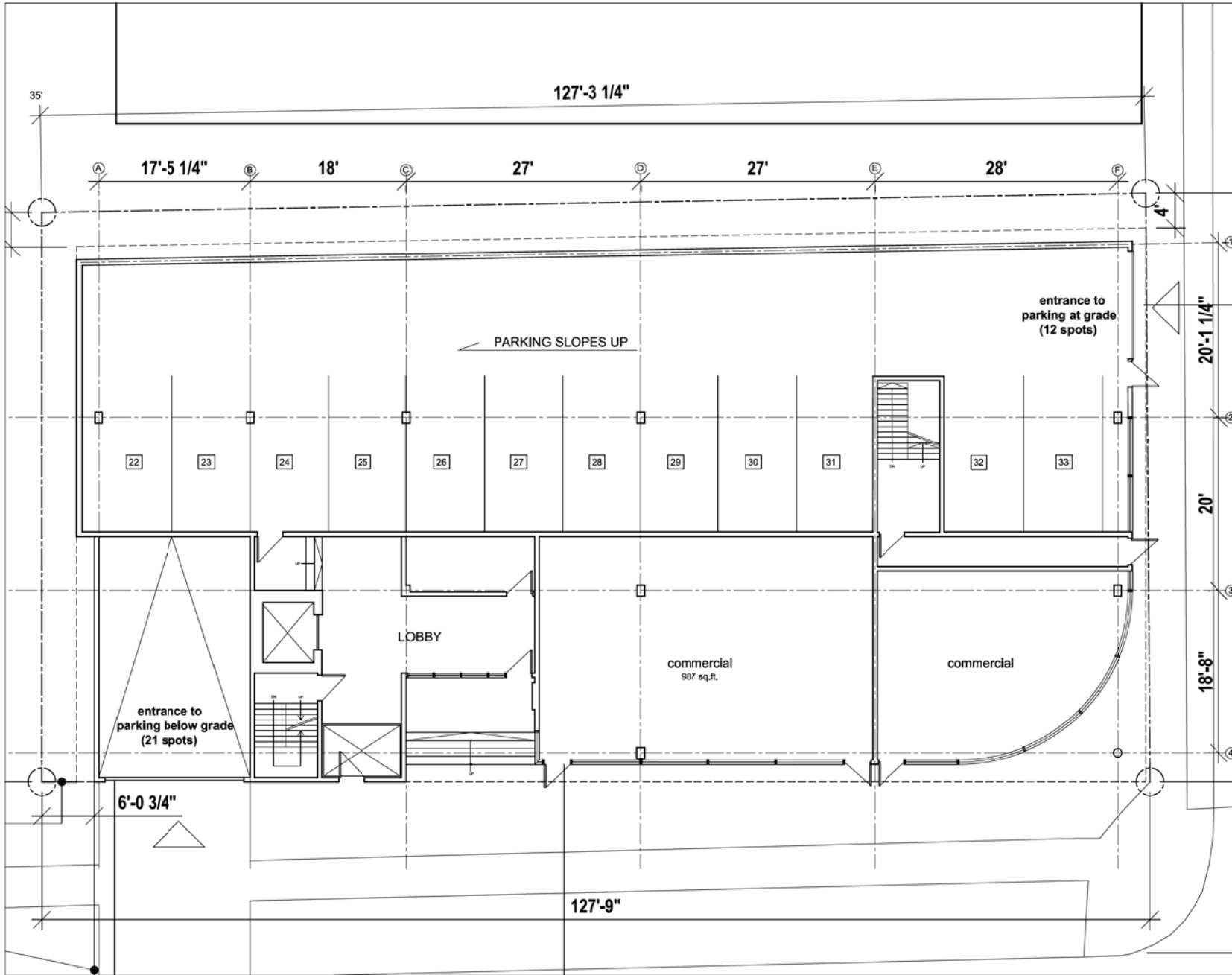
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BASEMENT PARKING PLAN

scale: 3/32" = 1'-0"
 date: 10/10/12
 drawn by: JF
 checked by: JK

A200



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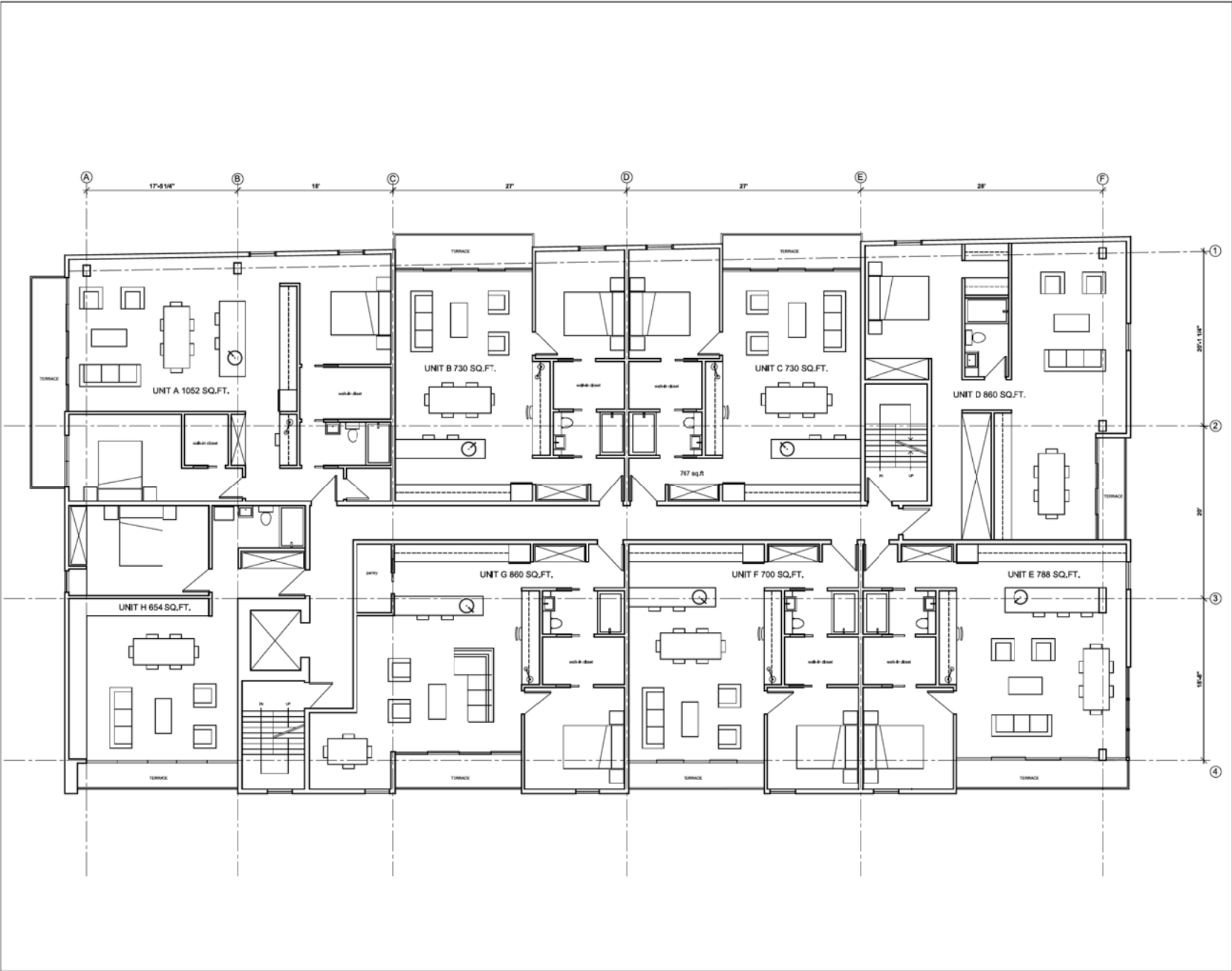
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main level plan

scale: 3/32" = 1'-0"
date: 02/05/15
drawn by: JG
checked by: JG

A201



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HALIFAX, NS

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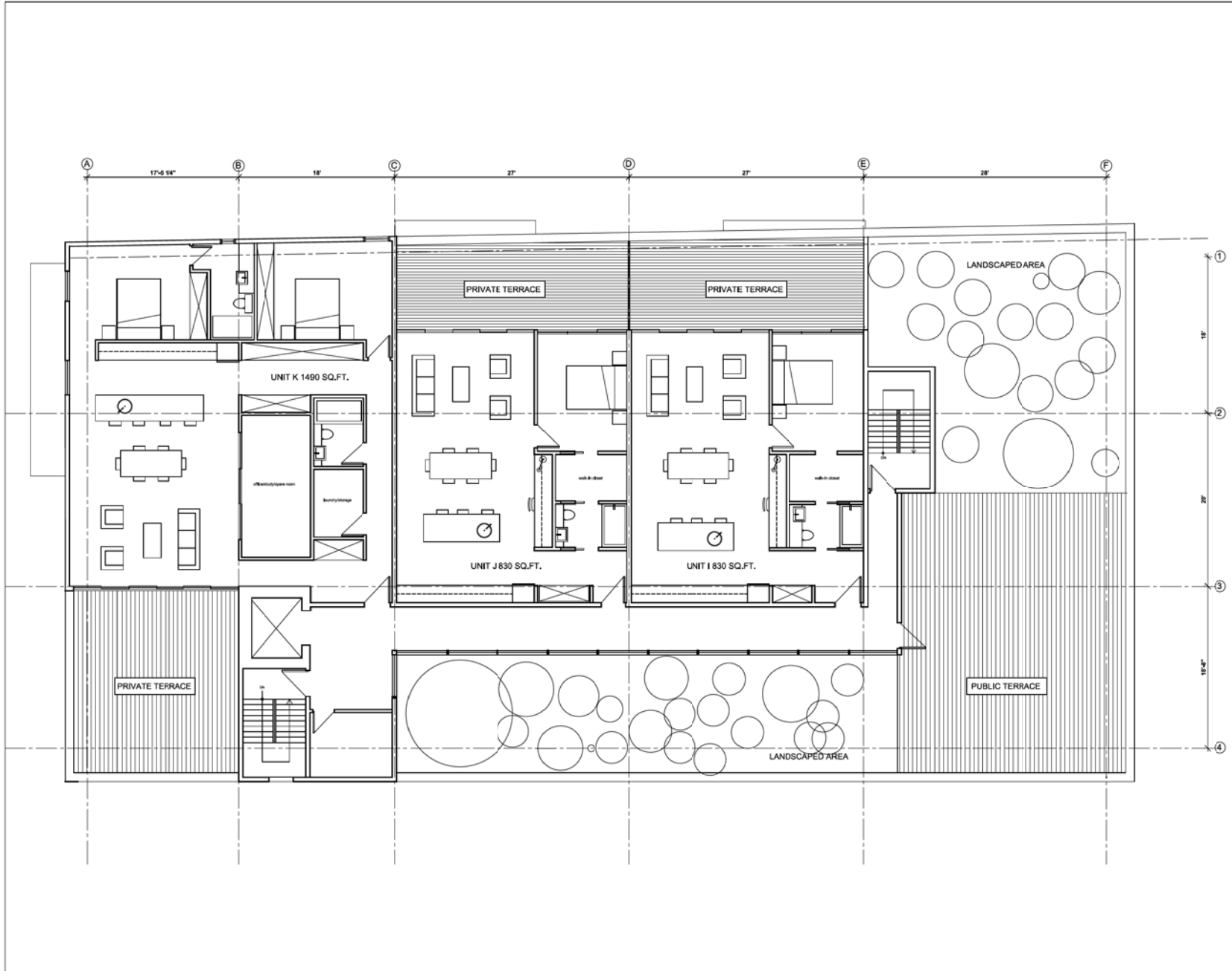
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<p>upper level plan (2nd to 5th floor)</p>	<p>A202</p>
<p>scale: 3/32" = 1'-0"</p> <p>date: 10/20/10</p> <p>drawn by: gl</p> <p>checked by: gl</p>	



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penthouse level
plan

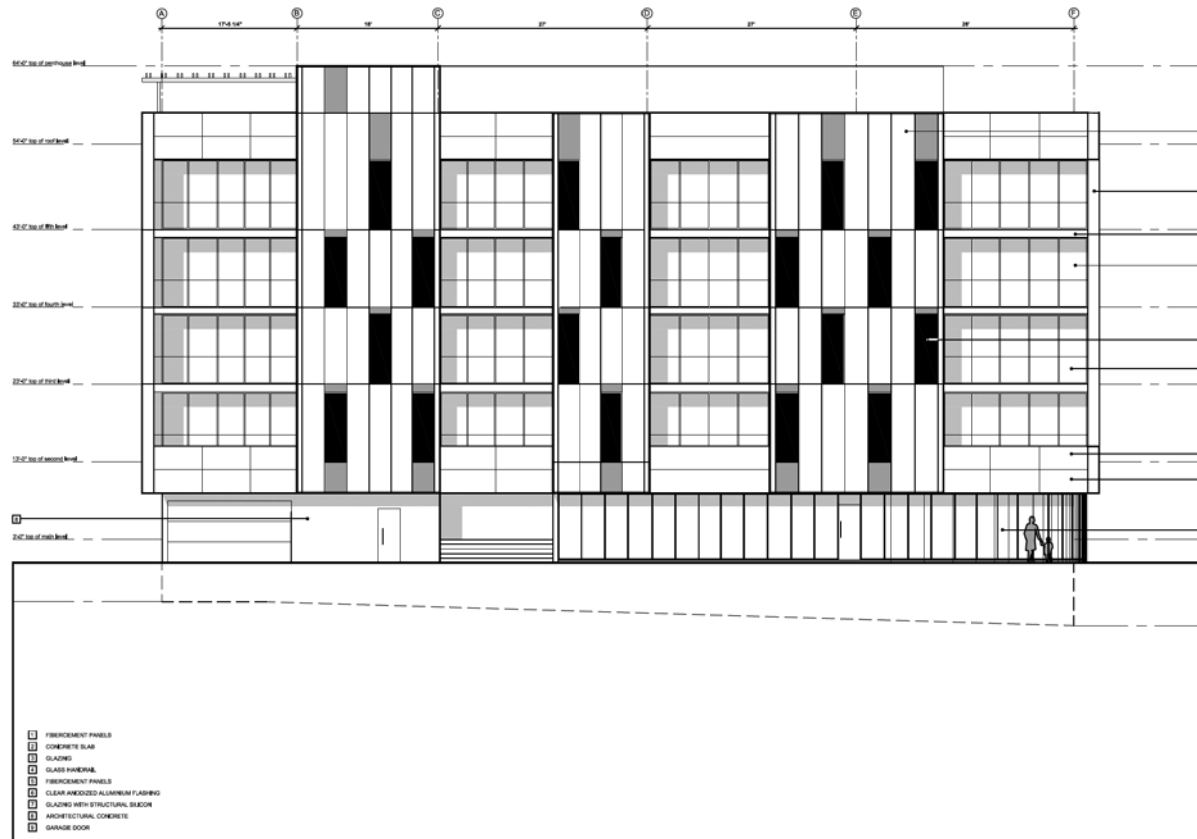
scale: 3/32" = 1'-0"
date: 1/22/2019
drawn by: JG
checked by: JG

A203

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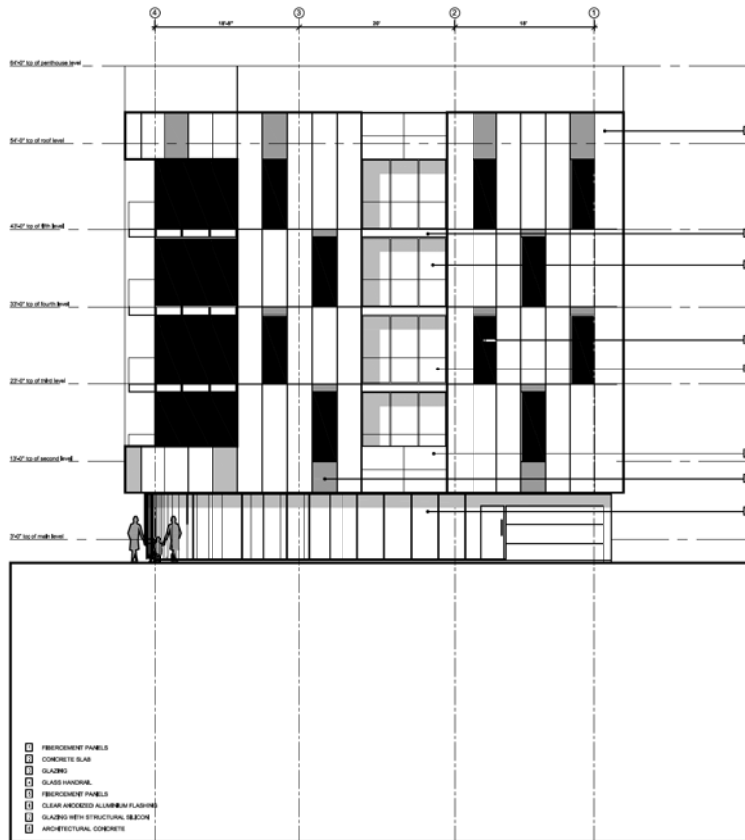
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SEYMOUR STREET
ELEVATION

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date: 10/22/10
drawn by: JF
checked by: JK

a 300



**Geoff Kaddy Architect
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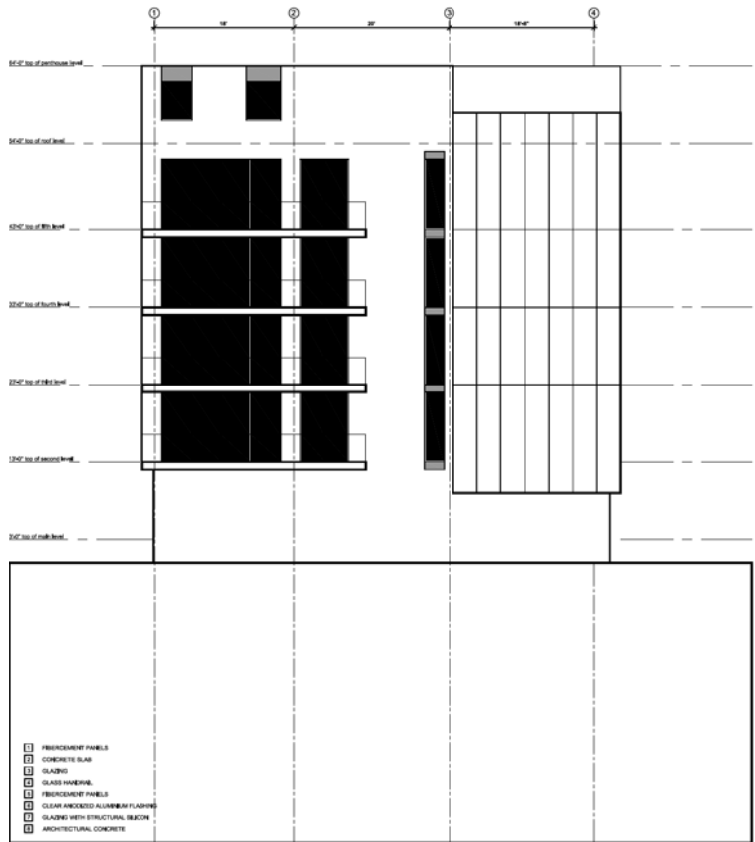
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**COBURG ROAD
ELEVATION**

scale: 1/8" = 1'-0"
date: 10/22/19
sheet no. of
total no. of

a301



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ENGINEER'S REQUIREMENTS AND APPROVALS:
It is the Engineer's responsibility to notify Geoff Kaddy Architect and Associates Limited and to seek prior written approval for materials and workmanship which deviate from instructions provided by the Engineer.

AUTHORITY'S REQUIREMENTS AND APPROVALS:
All materials and workmanship must comply with the requirements of all authorities having jurisdiction over the work. It is the Architect's responsibility to gain necessary approval from all relevant Authorities.

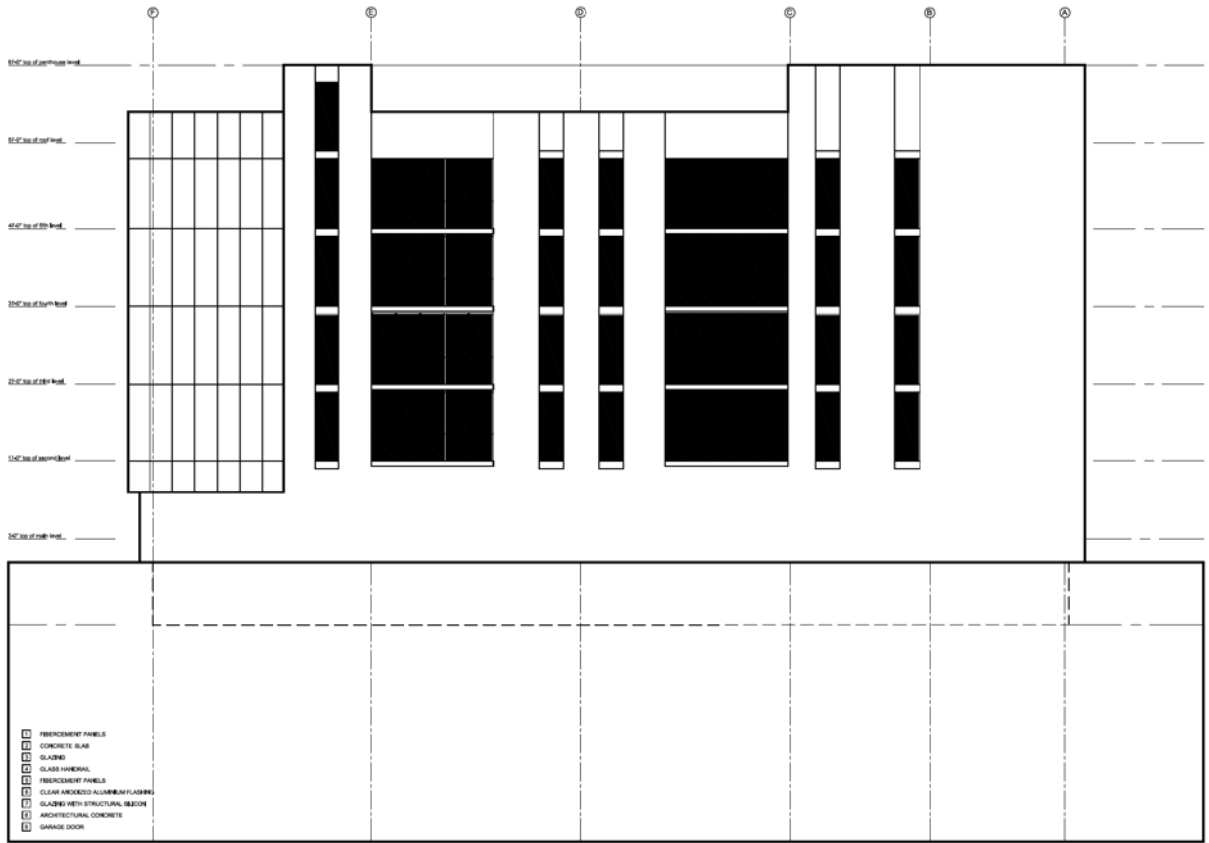
DIMENSIONS:
All dimensions must be noted on this. Do not scale off drawings. There are no provisions over drawings. In the absence of dimensions, refer to the Architect's notes. All minimum dimensions are to comply with the National Building Code of Canada.

SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

**SOUTH
ELEVATION**

scale: 1/8" = 1'-0"
date: 10/20/10
sheet no. of
drawing: 38

a 302



**Geoff Keddy Architect
and Associates Ltd.**

5357 Inglis Street
Halifax, Nova Scotia
B3H 1A4
902 420 9400
902 406 6056

Revisions / Issues:

**NOTES:
COPYRIGHT RELATED TO THE USE OF THIS
DRAWING:**

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ARCHITECT'S REQUIREMENTS AND APPROVALS:
It is the Author's responsibility to notify Geoff Keddy Architect and Associates Limited and to seek prior written approval for materials and workmanship which deviate from instructions provided by the Architect.

ENGINEER'S REQUIREMENTS AND APPROVALS:
It is the Author's responsibility to notify Geoff Keddy Architect and Associates Limited and to seek prior written approval for materials and workmanship which deviate from instructions provided by the Engineer.

AUTHORITY REQUIREMENTS AND APPROVALS:
All materials and workmanship must comply with the requirements of all authorities having jurisdiction over the work. It is the Author's responsibility to gain necessary approval from all relevant Authorities.

DIMENSIONS:
All dimensions must be verified on site. Do not scale off drawings. There are no provisions over drawings. In the absence of dimensions, or if discrepancies arise, consult Architect. All minimum dimensions are to comply with the National Building Code of Canada.

SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

**WEST
ELEVATION**

scale: 1/8" = 1'-0"
date: 10/22/15
drawn by: JH
checked by: JH

a 303

Re: Case # 18322 Application by Geoff Keddy

This is a second round by this architect and his developer client. The first application to amend the land use by-law and Municipal planning strategy was abandoned early on. There was widespread opposition to the project both by immediate neighbours as well as residents throughout the area. The opposition included the Board of Directors of The Carlyle Condominium Corporation at 6095 Coburg Rd. The developer and architect were also made aware that there would be appeals to any changes to the zoning or by-laws and ultimately legal action if necessary. In spite of all this the developer seems to have decided to take another kick at the can. There is a long list of reasons for the opposition to the developer's proposal.

1. Because Coburg Rd. is a main artery all construction related activity would be concentrated on Seymour St. This is a small residential street. No parking is permitted along the side that the proposed building would front on. Also parking is not permitted for a long length leading to the corner of Seymour and Coburg. Parking on the remainder of that side of the street is time limited by parking meters.

Tearing down the three buildings involved in the project would entail the use of heavy equipment and large trucks. This would create major traffic tie ups, noise, dust, and danger for both cars and pedestrians. This would be the beginning of approximately two years of misery.

Construction would involve a continuous flow of large concrete and delivery trucks as well traffic and parking problems from the construction workers. This would flow over to adjoining streets. It would create a traffic nightmare on the streets and danger to the large number of pedestrians. This includes not only university students but children from the various neighbourhoods going back and forth to Le Marchant-St. Thomas Elementary School and Gorsebrook Jr. High School.

The area beneath the surface is solid rock. This necessitates blasting and the extended use of Pneumatic drilling equipment as was the case with the construction of the new Dalhousie University Business building. This is located immediately behind the lots proposed for the new apartment building. When the drills were going it felt as if they were digging in my basement. The blasting and drilling caused damage to my home. The construction phase of this project would make it miserable for the entire neighbourhood and infringe our rights to the peaceful enjoyment of our homes.

2. According to the plans most of the apartments in the building would be one bedroom apartments. This practically screams "STUDENT DORMITORY." In fact everybody that I have mentioned this to immediately responded, "Students." The plan also calls for balconies outside all apartments fronting on Seymour street. Judging by current observations of student residences these would be turned into garbage dumps, places to hang towels and clothing, accommodations to sit outside and drink, and places to yell from during parties. Windows would be covered by everything but blinds. The place would soon deteriorate into an eyesore. The addition of over one hundred people at that intersection would add substantially to the pedestrian traffic and danger. Many students pay little attention to crosswalks. A heavy concentration of students, such as this building would create, would further contribute to the student ghettoization of the area. It would mean more noise, more crime, more street garbage, more problems for the police, and more expenditures for HRM. All this would be especially disturbing to the large number of seniors and retired people living near by.

3. Garbage from apartment buildings must be picked up by private contractors. This usually entails a large outside metal container and the periodic pickup by a very large garbage truck. The container would be a magnet for mice, rats, racoons, seagulls, and other vermin. This would bring them into the neighbourhood and create a nuisance and health dangers for nearby residents.

4. The parking exit from the building would front on Seymour street as would the main entrance. This would add substantially to the traffic on Seymour street. It would also add to the illegal parking problem because there would be visitors in need of places to park.
5. The proposal includes commercial space on the ground floor. This would be yet another violation of the existing zoning regulations. Commercial space generates more truck traffic, changes the residential nature of the neighbourhood, and if there are retail outlets it also generates crime as the existing Needs store has done.
6. The building lot is really too small for the size of the proposed building. According to the blueprints the structure will extend to the edge of the sidewalk on two sides and the edge of the property on the other two sides so there will be no room for green spaces. Also it will cast a shadow on what is now a sunny street and on my house as well.
7. If this developer gets a permit it will set a precedent for others. Many property owners in the area own a number of properties adjacent to each other. They would be encouraged to apply for a development permit. BLOCKBUSTING is a favourite tactic of developers.
8. The owner knew what the zoning and by-law regulations were when he or she bought the properties. One of the three buildings has two apartments, one has been operated as an illegal rooming house, the third one is rented to a convenience store which is a non conforming usage It also has rental rooms on the upper floor. All three have been operated as rental units for a number of years. The owner or owners apparently were content with the return on their investment but now they would like to make even more money at the expense of the peace and enjoyment of residents. There would be no injustice in turning down an application for a contract development. Can you imagine what the developer 's reaction would be if someone showed up at his house and said they were going to put up a five story apartment building next door?
9. Along with the inconvenience, aggravation, destruction of the neighbourhood, interference with the peace and enjoyment of our homes, this project would cause a deterioration of the entire neighbourhood and cause a drop in our property values.
10. As the above outline points out this apartment building would not contribute any social, esthetic, or economic value to the neighbourhood. It would do the opposite. It would be a focal point and catalyst for a host of problems that residential neighbourhoods fight to avoid.
11. An interesting question that should be asked is where is the financing coming from? If there is off shore investment then it raises the issue of foreign ownership. Even if an owner lives outside the province it raises problems for by-law enforcement, police matters related to tenants, and difficulties in dealing with any problems related to the operation of the building. Foreign investment also raises the legal issue of potential money laundering.

D. Owen Carrigan,

Where is Street View – Street View – Google Maps

Google

Maps

Street View

Where is Street View available?

The blue overlay shows where Street View imagery is available. You can zoom in to an area to see more detail.



Henry St.

6088

6090

6096

6102

6108

6112

1461

Seymour St.

1470

1460

1424

6124

6131

6095 The Carlyle

Vernon St.

April 17,2013

Jullian MacLellan
Community & Recreation
Development Approvals
PO Box 1749
Halifax, NS
B3L 3A5

Re: Case # 18322

Dear Ms. MacLellan:

As President of the Board of the Halifax Condominium Corporation #11 (The Carlyle), I am writing to you at the request of the Board on behalf of the condominium owners. The case I am referring to is #18322 submitted by Geoff Keddy. This is an application to build a 38 unit apartment building on the corner of Seymour St. and Coburg Rd.

The residents living in The Carlyle strongly object to the proposal for several reasons. The zoning by-laws will be violated by this proposal with regard to height restrictions, density and commercial use. It is a non conforming proposal and is in fact a spot re-zoning.

The parking issue is a concern for residents. We have limited metered parking on Coburg Rd. and Vernon St. outside our building. This will likely be the area large trucks will monopolize while waiting to make their deliveries during the construction phase as well as after. This is after all, primarily a residential area.

It is also our understanding that the proposed building includes more commercial space on the ground floor than the zoning restrictions allow. The size of the proposed building allows it to extend to the sidewalk and the density is above zoning restrictions. There is no green space on two sides which would appear more commercial than residential.

Therefore, we appeal to you to take into consideration our right to the quiet and peaceful enjoyment of our homes. The zoning laws were put into place for a reason and we hope they will be upheld.

Sincerely,

ORIGINAL SIGNED

Heather Wood Board President - The Carlyle