



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Stephanie Norman, Planner 1

DATE: July 21<sup>st</sup>, 2015

**SUBJECT: Case 19452: Application by KWR Approvals Inc. to amend the existing development agreement for a 36 unit multiple unit dwelling at 67 Metropolitan Avenue, Lower Sackville, to consider the addition of 3 residential units for a total of 39 units.**

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### **Background:**

**Location:** 67 Metropolitan Avenue, Lower Sackville (Attachment A)

**Existing Use** 36 residential-unit apartment building

**Designation** Urban Residential under the Sackville Municipal Planning Strategy (Map 1)

**Zoning** R-4 (Multi Unit Dwelling) Zone under the Sackville Land Use Bylaw (Map 2)

**MPS Policy** The application can be considered subject to policy UR-8 (Attachment B), which allows Council to consider multiple unit dwellings over 6 units in accordance with development agreement provisions of the Planning Act.

**Proposal** The proposal is to internally convert the basement floor (current storage and facility rooms) to create 3 additional residential units (Attachment C).

### **Proposal**

KWR Approvals Incorporated has submitted an application to amend the existing development agreement for 67 Metropolitan Avenue, Lower Sackville. Currently, the property is developed with a multiple unit dwelling. The existing multiple unit dwelling is 3 stories in total height and contains 36 residential units.

KWR approvals Incorporated is applying to add 3 additional units to the multiple unit dwelling, for a total of 39 residential units. As proposed, the additional units will be accommodated within the existing building. There is no proposed increase to building height or the footprint of the existing building. In addition to the 3 residential units, the applicant is also proposing 3 additional parking spaces and additional bicycle parking.

The new proposal would require the creation of 5 additional parking spots, however the applicant has outlined that they will only be able to accommodate 3 spaces. The Sackville Land Use Bylaw allows for a reduction of vehicular car spaces when bike parking is provided, and therefore the reduction of two spaces would be acceptable.

### **Public Consultation**

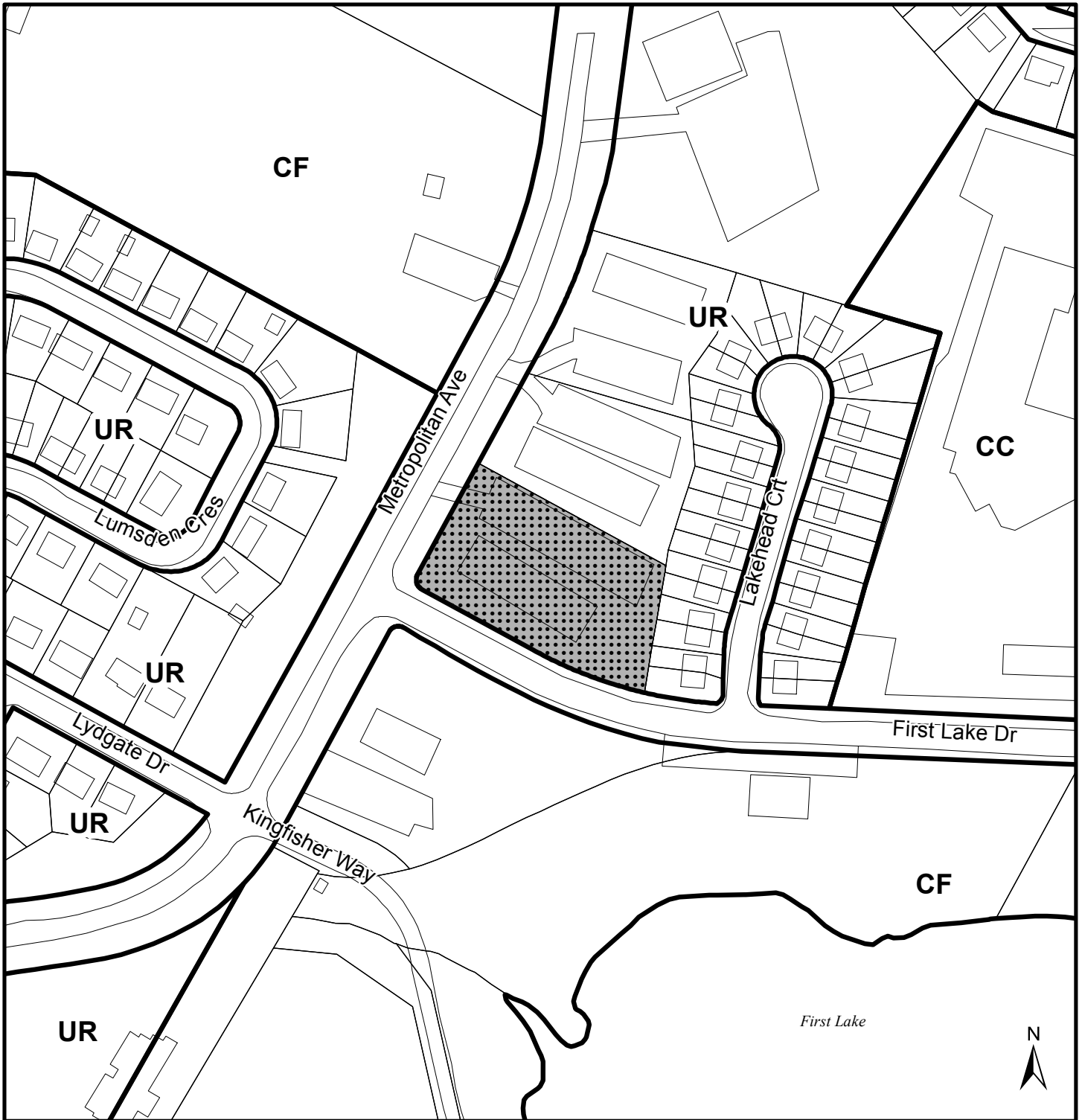
In June 2015, Planning Staff notified residents of the subject planning application through a mail out notice. A copy of the notice is attached for your reference as Attachment D. The notice was conducted in place of a Public Information Meeting. Residents were given approximately three weeks to provide comment on the application. The deadline for comment was June 23, 2015. To date, no comments have been received.

### **Input Sought from North West Planning Advisory Committee**

Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.

#### **Attachments:**


Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Location Map
Attachment B	Excerpt from Sackville MPS
Attachment C	Letter of Intent from Applicant
Attachment D	Notice of Application and Request for Comment



**Map 1 - Generalized Future Land Use**

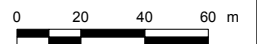
67 Metropolitan Avenue,  
Sackville

**HALIFAX**

 Subject Property

**Designation**

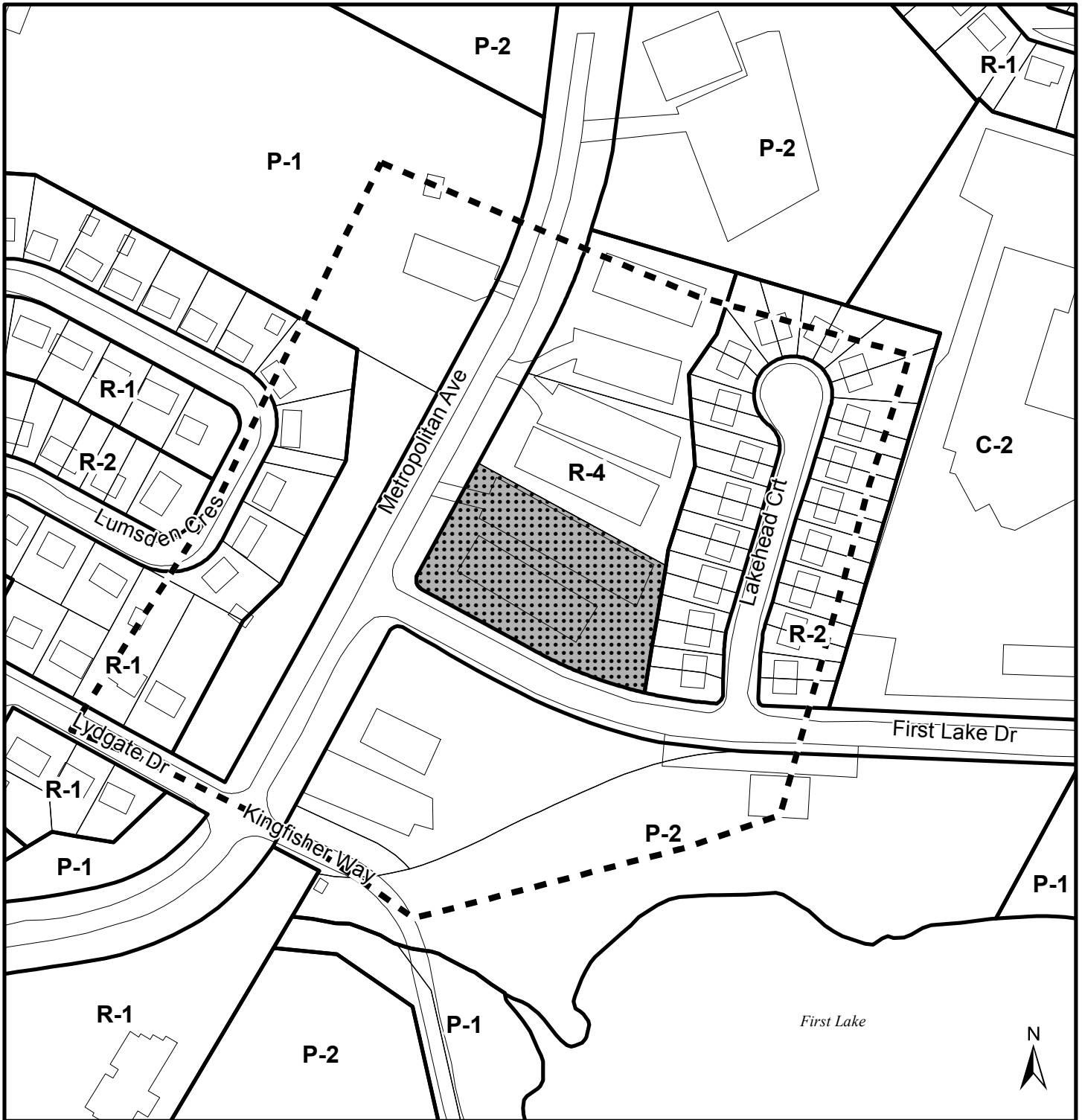
- UR Urban Residential
- CC Community Commercial
- CF Community Facility



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

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



Sackville Plan Area



### Map 2 - Zoning and Notification

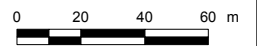
67 Metropolitan Avenue,  
Sackville

**HALIFAX**

-  Subject Property
-  Area of Notification

**Zone**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling
- C-2 Community Commercial
- P-1 Open Space
- P-2 Community Facility

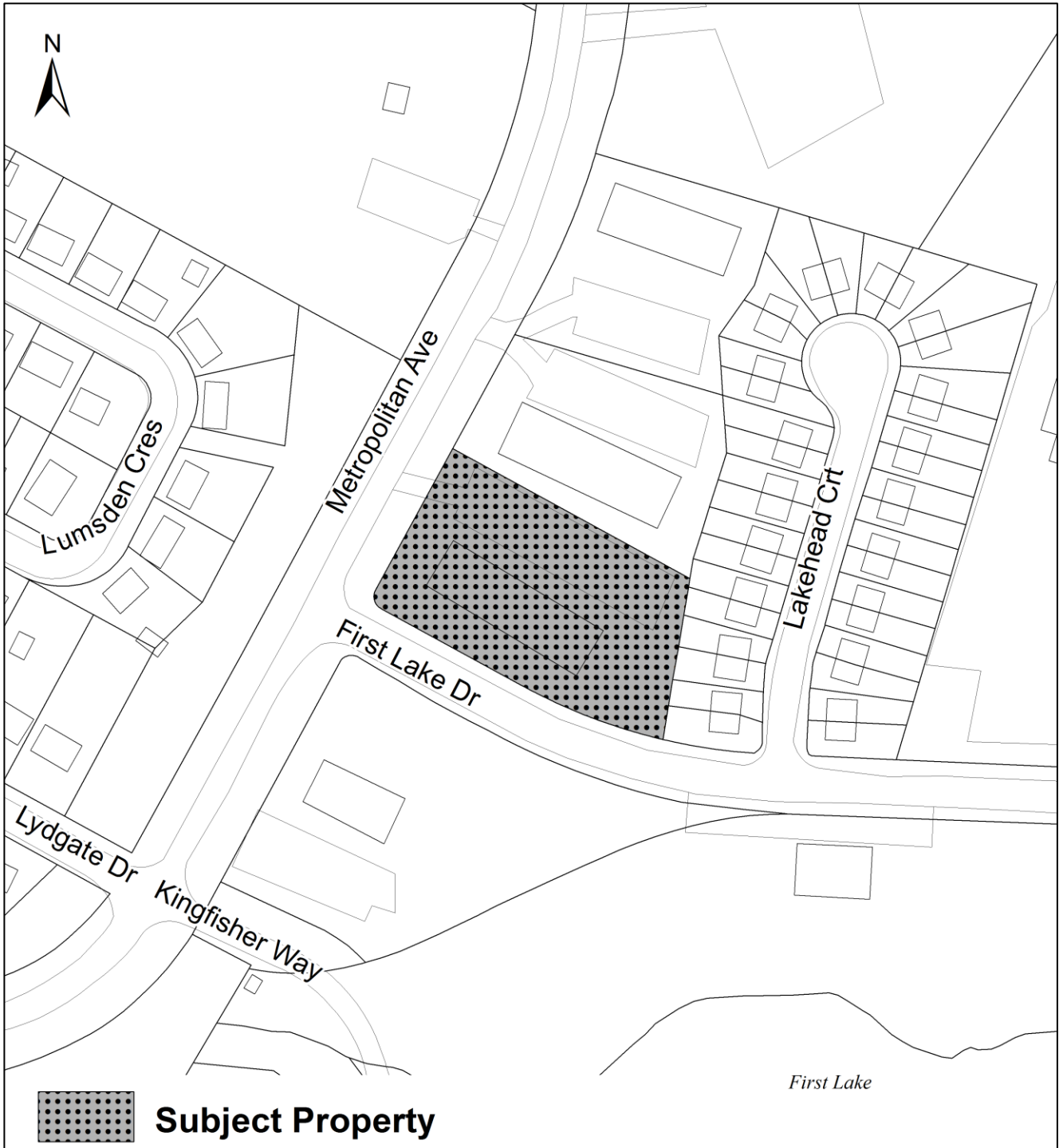


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Sackville Plan Area

**Attachment A**  
**Location Map**



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Planning and Development- Development Approvals

Tel: 902.490.6704  
Email: [belisj@halifax.ca](mailto:belisj@halifax.ca)

Fax: 902.490.3976  
[halifax.ca](http://halifax.ca)

**Attachment B**  
**Excerpt from the Sackville MPS**

**UR-8 Notwithstanding Policies UR-2 and UR-7, within the Urban Residential Designation, it shall be the intention of Council to consider multiple unit dwellings over six (6) dwelling units, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:**

- (a) the adequacy of separation distances from low density residential developments;
- (b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (c) that site design features, including landscaping, amenity areas, parking areas and driveways, are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residential of the development;
- (d) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes;
- (e) that municipal central services are available and capable of supporting the development;
- (f) that appropriate controls are established to address environmental concerns, including stormwater controls, based on a report from the appropriate Municipal, Provincial, and/or Federal Government authority;
- (g) that the proposed development has direct access to a local street, minor collector or major collector as defined in Map 3 - Transportation;
- (h) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire;
- (i) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (j) general maintenance of the development; and
- (k) the provisions of Policy IM-13.

**Policy IM-13 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:**

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of sewer and water services;
  - (iii) the adequacy or proximity of school, recreation and other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to, or within the development;
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;
- (e) any other relevant matter of planning concern; and
- (f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.

## Executive Summary

Milestone Properties' is seeking to amend the current development agreement to receive approval from HRM to internally convert storage space in a multi-unit building located at 67 Metropolitan Avenue, Lower Sackville, HRM, into two one-bedroom units, and one two-bedroom unit. This would result in the total number of units in the building rising from 36 to 39. The site is designated as 'Urban Residential' by the Sackville MPS and zoned R-4 (Multi-Unit Dwelling) by the Sackville LUB. The site meets all the necessary criteria for the internal conversion.

### 1. Project Introduction

Milestone Properties is an HRM based property management company. Milestone Properties own a number of multi-unit rental buildings throughout HRM. Milestone Properties purchased 67 Metropolitan Avenue, located in the community of Lower Sackville, in January 2014. KWR Approvals Inc. (KWRA) was retained by Milestone Properties Ltd. soon after to determine potential development options available for this property.

### 2. Site Review & Project Background

67 Metropolitan Avenue (PID 40418360) is a multi-unit residential building, consisting of 36 apartment units. It is designated as Urban Residential under the Sackville Municipal Planning Strategy (MPS) and zoned R-4 (Multi-Unit Dwelling) under the Sackville Land-Use Bylaw (LUB). The total area of the site is approximately 1.41ac (61,352ft<sup>2</sup>), which is a *gross* representation of the developable area. It includes the area used for road and driveway access, amenity space and site features. Lot frontage for 67 Metropolitan Avenue is approximately 195ft. on to Metropolitan Avenue and 380ft. on to First Lake Drive. Currently, the only access to the property is off of Metropolitan Avenue. 67 Metropolitan Avenue is bound by PID 40416378 to the North, PIDs 40440216, 40418410, 40476459, 40418402, 40440208, and 40418394 to the East. First Lake Drive to the South and Metropolitan Avenue to the West. It is located at the corner of Metropolitan Avenue and First Lake Drive in Lower Sackville. The multi-unit building was originally constructed in the mid-1980s, a period which saw a significant spike in Lower Sackville, NS, due to the community's close proximity to Halifax and Dartmouth and the comparatively low cost of land at the time.



Figure 1 - Aerial Photo of 67 Metropolitan Avenue, Lower Sackville, NS. Source: Google Earth. February 4th, 2014.

67 Metropolitan Avenue is bound by PID 40416378 to the North, PIDs 40440216, 40418410, 40476459, 40418402, 40440208, and 40418394 to the East. First Lake Drive to the South and Metropolitan Avenue to the West. It is located at the corner of Metropolitan Avenue and First Lake Drive in Lower Sackville. The multi-unit building was originally constructed in the mid-1980s, a period which saw a significant spike in Lower Sackville, NS, due to the community's close proximity to Halifax and Dartmouth and the comparatively low cost of land at the time.

Currently, the area in which 67 Metropolitan Avenue is located in is a developed, residential community. A variety of low-rise housing types are located within the immediate vicinity of the building. Several other multi-unit residential buildings are located both North and South of the



site, along Metropolitan Avenue. A number of semi-detached houses are found along Lakehead Court, immediately East of the site. Streets consisting primarily of single-detached houses are found west of the site. Less than 100 metres north of the site, on the opposite side of Metropolitan Avenue is Metropolitan Field Complex. A Sobeys is located along First Lake Drive, approximately 350 metres from the site. Opposite the Sobeys are the Sackville Community Arena, and the Sackville Leisure Centre.

Metropolitan Avenue is a minor collector street. 67 Metropolitan Avenue is a corner lot; Metropolitan Avenue intersects with another minor collector street, First Lake Drive. Approximately 300 metres from the site, Metropolitan Avenue intersects with Glendale Drive, a major collector which interchanges with 100 Series Highway NS-102. 67 Metropolitan Avenue is approximately 27 minutes and 23 minutes by car to downtown Halifax and downtown Dartmouth, respectively. Metro Transit Route 82 runs along First Lake Drive and turns north on to Metropolitan Avenue. Stops in both directions are located within 150 feet of the site.

### **3. Context for Amendment to Development Agreement**

When *67 Metropolitan Avenue* was purchased by Milestone Properties, the ability to internally convert the units through *as-of-right* development was explored. Through discussions with HRM staff-members, it was ascertained *as-of-right* development was not possible for this particular building. This is because, according to the Sackville LUB, no development permits may be issued, except for existing buildings. Existing is defined as “in existence on the effective date of the LUB (16 June 1994). Internally converting the building would involve altering the building, and the building would no longer be considered ‘existing’.

67 Metropolitan Avenue is designated as ‘Urban Residential’ under the Sackville MPS. The intention of this designation is “to protect the residential environment while allowing for a variety of housing types and other uses which are compatible with continuing residential development.” Specific recognition is paid the fact that a need for higher density development will need to occur within areas that fall under this designation. “It is the intention of the planning strategy to provide for such uses...by amendment to the land-use bylaw or by development agreement.”

The MPS recognizes that the demand for multi-unit housing in Sackville will rise given the overall housing needs of a growing and diverse general population. Small scale developments (those under 6 units) will be considered by rezoning, whereas larger developments (greater than 6 units) will be considered through a development agreement. This is intended to allow for site-specific controls to ensure that community concerns as well as separation from lower-density development are addressed.

*67 Metropolitan Avenue* is currently zoned R-4 (Multi-Unit Dwelling) in the Sackville LUB. This zoning is specifically intended for buildings such as *67 Metropolitan Avenue*. While new developments in excess of 6 units would be governed by a Development Agreement with HRM, in the case of existing buildings, the original or, if further amended, Development Agreement will suffice. However, changes to the building must ensure that the requirements of the R-4 zone are met, especially provisions related to parking and open space. This is because an internal conversion will alter these requirements. Other requirements will be unchanged through the internal conversion.

The current development agreement which governs *67 Metropolitan Avenue* originates with the initial construction of the building and site; this is from 1985. No clauses or terms in the original Development Agreement allow for internal conversion to allow for more units. Based on consultation with HRM Planning Department staff-members, KWRA understands that while a new Development Agreement is not necessary to complete the internal conversion, significant alterations need to be made to the current Development Agreement. An updated and amended Development Agreement for *67 Metropolitan Avenue* would include the following:

- The Development Agreement would be re-drafted to update the format and language to that currently used by HRM.
- The updated and amended Development Agreement would be structured to include 'non-substantive' amendments in addition to the provisions contained within the original Development Agreement
- The amended Development Agreement would allow for the internal conversion of *67 Metropolitan Avenue*.
- The possibility of inserting a provision in the amended Development Agreement to allow for further flexibility in future development of *67 Metropolitan Avenue* will be explored for the final draft of the updated Development Agreement.

In consultation with HRM Planning and Development Services staff, it was brought to the attention of KWRA that a major concern for HRM was that the internal "conversion" was not being completed as a result of extra units, not recognized by the development agreement, having been added to the building prior to its purchase by Milestone Properties in January 2014. Supporting documentations, including copies of the current floor plans, current parking plans, and the current rent roll for the building located at 67 Metropolitan Avenue are found in Schedules F, G, and H. Figure 2 in this report also shows the area, currently used for extra storage in the basement of the building, that is intended to be converted into the additional three units.



Figure 2 - Photo of area in building where three additional units would be created through internal conversion.

## 4. Developer and Project Team

Milestone Properties has assembled a very experienced Project Development Team:

Project Team		Project Responsibility	Contact Name	Contact Information
Milestone Properties Ltd.	Property Owner/Developer		Mark Bergman	(w) 902.
KWR Approvals Inc.	Chief Project Manager, Urban Planning & Developers Representative.		Kevin W. Riles President & CEO	
JRL Consulting Ltd.	Traffic Engineering		Jeff LeBlanc, P.Eng., RCDD	
SDMM	Site Plan		Geoff MacLean	
Oceanline Drafting and Design	Floor Plans and Parking Lot Plans		Klaus Pollmann	

## 5. Technical Studies Overview

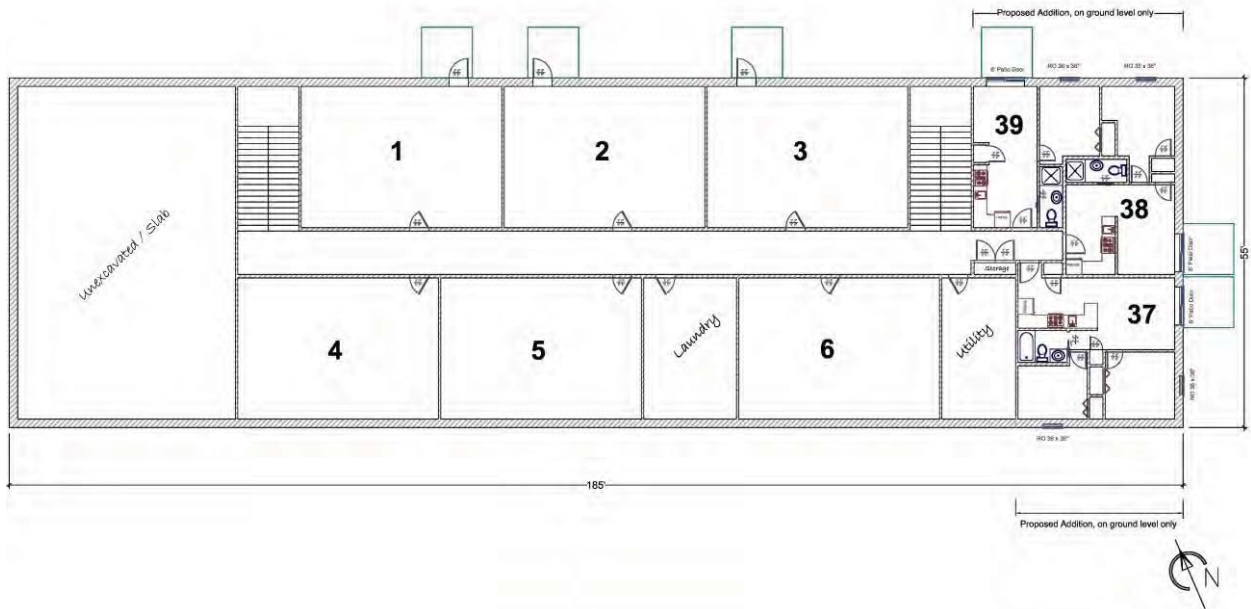
Studies have been completed to ensure that the internal conversion of 67 Metropolitan Avenue meets the transportation requirements for the development agreement amendment. The following is a list of the studies completed. The studies are found in Schedules E, I, J, and K of this report and application:

- E: May 2014. **Site Sketch** from SDMM Inc.
- I: May 2014. **Proposed Floor Plans** from Oceanline Drafting and Design.
- J: May 2014. **Proposed Parking Site Plan** from Oceanline Drafting and Design.
- K: April 2014. **Traffic Impact Statement** from JRL Consulting.

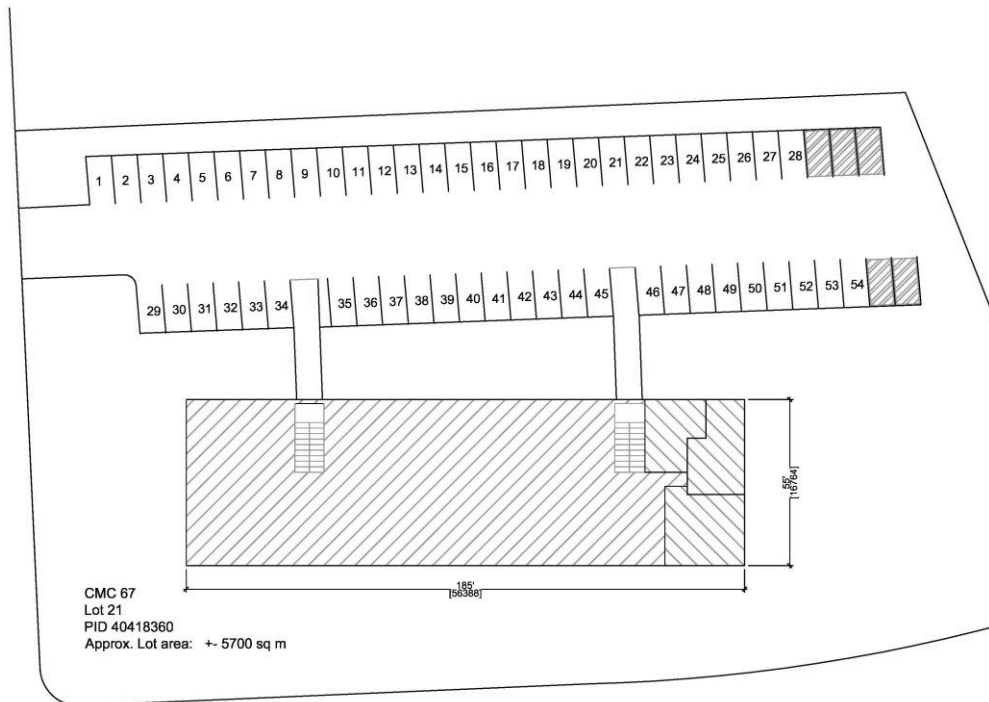
SDMM Inc. was retained to complete a site sketch of the current site, including the building situated on it, for this application and report (Schedule E). This sketch confirms the approximate size of the site, as well as showing the areas for parking and open space contained on the property.

Milestone Properties has provided both the proposed floor plans and the proposed parking plan for the internal conversion of 67 Metropolitan Avenue, both of which were completed by Oceanline Drafting and Design. The proposed floor plans clearly show where the three additional units will be located on the first level of the building. They are labelled as apartments 37, 38, and 39 on the floor plan





For this application, both Milestone Properties and KWRA were acutely aware of the current parking requirements for multi-unit buildings, as outlined in the Sackville Land Use Bylaw. The LUB stipulates that for every unit in an R-4 zoned building, a ratio of 1.5 spaces per unit is required. Currently, the building features 36 units. The parking lot has spaces for 54 vehicles, which meets the LUB requirements. With the internal conversion, the required number of parking spaces would rise to 59. The parking site plan clearly shows that the increase in required spaces can easily be accommodated on the current site. The additional spaces are shaded in grey on the proposed parking lot site plan.



For this application, KRWA, on behalf of Milestone Properties, retained JRL Consulting Inc. to complete a Traffic Impact Statement (TIS). The TIS examines the existing traffic stop sighting distance and the site generated traffic, measuring the impacts of particular importance that the addition of three units to the thirty-six already in existence at 67 Metropolitan Avenue on the existing traffic volumes. The current traffic volumes were extracted from HRM collected data for the nearest signalized intersection; in this case, Metropolitan Avenue and First Lake Drive. This data was collected in June 2010 and an annual background growth rate of 2% was applied to estimate the current level of traffic.

“Stop Sighting Distance” is the distance required by an operator of a vehicle to safety stop. This is calculated by adding the break reaction distance, the amount of distance traveled between the time the driver sees something causing him/her to decide to stop and the time her/her brakes the vehicle, and breaking distance, the amount of distance it takes to stop a car from when breaking first begins. The speed limit is 50 kilometres per hour on Metropolitan Avenue, for which the minimum stopping distance is 65 metres. *67 Metropolitan Avenue* is serviced by one driveway, which is anticipated to remain the only entry and exit for the site for the foreseeable future. The TIS states: *“We did not identify any concerns with adequate Stopping Site Distance.”*

The second is the site generated traffic, which is the number of additional vehicle trips generated as a result of addition of the three additional units through internal conversion of the building. Measurements are generated for the AM and PM peak hours. This is calculated using the number of current units in the building (36), the number of units after the internal conversion (39), and equations from the Institute of Transportation Engineers (ITE). Calculations estimated: *“The addition of three units within the building at 67 Metropolitan Avenue will add 2 vehicles in the AM peak hour and in the PM peak hour.”*

The TIS does not identify any potential significant impacts to the traffic network already in existence as a result of the addition of three units to *67 Metropolitan Avenue* through internal conversion.

## **6. Summary of Proposal to Amend Development Agreement**

The proposal to amend the development agreement for 67 Metropolitan Avenue, Lower Sackville, HRM is of benefit to both the developer and the municipality. By amending the development agreement, the format and the language of the original development agreement is able to be modernized and brought up to the current standards of the HRM Planning and Development Services department. Further, it allows for amendments specific to the building located at 67 Metropolitan Avenue. The internal conversion already complies will all of the R-4 (Multi-Unit Dwelling) zoning regulations, with the exception of the necessary number of parking spaces. However, the application for amending the development agreement accounts for this with an updated parking lot site plan including the additional necessary parking spaces. The site is located in an area that is already developed for a variety of residential housing types, this is reflected in the ‘urban residential’ designation found in the Sackville MPS; the internal conversion to add the additional three units is in line with the objectives of this designation. The owner/developer has strived to meet and exceed all of the necessary requirements for all successful application to amend the development agreement.

## **7. Strengths and Improvements from Original Development Agreement**

Amending the current development agreement in order to internally convert under-utilized storage space into three additional units, bringing the total number of units to 39 at 67 Metropolitan Avenue, Lower Sackville, HRM is a reasonable request on the part of the property owner.

- ✓ It will enable the property owner to provide further dwelling-units in an area of HRM that is growing at a faster rate than many other areas in the municipality.
- ✓ The proposed amendment and internal conversion is in line with the designation of the area by the Sackville MPS.
- ✓ The proposed internal conversion complies with all zoning requirements of the R-4 (Multi-Unit Dwelling).
- ✓ The proposed parking lot site plan ensures that the parking requirements for buildings that are located in an area zoned R-4 are met.
- ✓ The TIS shows that minimal impact and no negative impact will be felt by drivers as a result of an amendment to the development agreement and the additional three units.
- ✓ No further additional or upgraded infrastructure would be needed as a result of the amendment to the development agreement.

## **8. Conclusion**

Given the existing policies of the HRM, the current demand for a variety of housing types in a rapidly growing area of the municipality, and the care and preparation on the part of the property-owner/developer and the entire project development team; the request to amend the development agreement to allow for the internal conversion of this building is warranted. By doing so through an amendment to the development agreement, HRM Planning and Development Services can ensure that not only is the development agreement brought up to the current standards and language, but also ensure a strong degree of input is included in the updated agreement. Both the property owner/developer and the municipality will benefit from the updated and amended development agreement for 67 Metropolitan Avenue.

**Attachment D**  
**Notice of Application and Request for Comment**



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

May 28, 2015

Dear Resident/Occupant:

**RE: Case 19452: Application by KWR Approvals Inc. to amend the existing development agreement for a 36 unit multiple unit dwelling at 67 Metropolitan Avenue, Lower Sackville, to consider the addition of 3 residential units for a total of 39 units.**

This letter is to provide you with information regarding the above noted application. The fact sheet, located on the reverse, provides information on the application.

The applicant has initiated a proposal to add 3 residential units to an existing multiple unit dwelling at 67 Metropolitan Avenue, Lower Sackville. The existing multiple unit dwelling contains 36 units. The existing multiple unit dwelling was permitted through the development agreement process. As such, the applicant is proposing to amend the existing development agreement to add 3 residential units, 3 additional parking spaces and additional bicycle parking.

A website for this application has been created and can be viewed at the following URL:  
<http://www.halifax.ca/planning/applications/Case19452Details.php>

If you wish to comment on the proposal please contact the undersigned at 902-490-4843 or you may send written comments to the postal (above) or email address (below) before Tuesday, **June 23, 2015.**

Sincerely,

Tyson Simms, Planner I  
Planning and Development- Development Approvals

Cc: Councillor Steve Craig

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**PLANNING AND DEVELOPMENT – DEVELOPMENT APPROVALS**

**Planning Applications – Eastern Region**

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**PROPOSAL INFORMATION: Case 19452**

**APPLICANT:** KWR Approvals Incorporated

**REQUEST:** Application by KWR Approvals Inc. to amend the existing development agreement for a 36 unit multiple unit dwelling at 67 Metropolitan Avenue, Lower Sackville, to consider the addition of 3 residential units for a total of 39 units.

**PROPOSAL:** KWR approvals Incorporated has submitted an application to amend the existing development agreement for 67 Metropolitan Avenue, Lower Sackville. Currently, the property is developed with a multiple unit dwelling. The existing multiple unit dwelling is 3 stories in total height and contains 36 residential units.

KWR approvals Incorporated is applying to add 3 additional units to the multiple unit dwelling, for a total of 39 residential units. As proposed, the additional units will be accommodated within the existing building. There is no proposed increase to building height or the footprint of the existing building. In addition to the 3 residential units, the applicant is also proposing 3 additional parking spaces and additional bicycle parking.

**DISTRICT:** 15 Lower Sackville - Councillor Steve Craig

**SITE INFORMATION: 67 Metropolitan Avenue, Lower Sackville**

**PLAN AREA:**

- Sackville

**LAND USE DESIGNATION:**

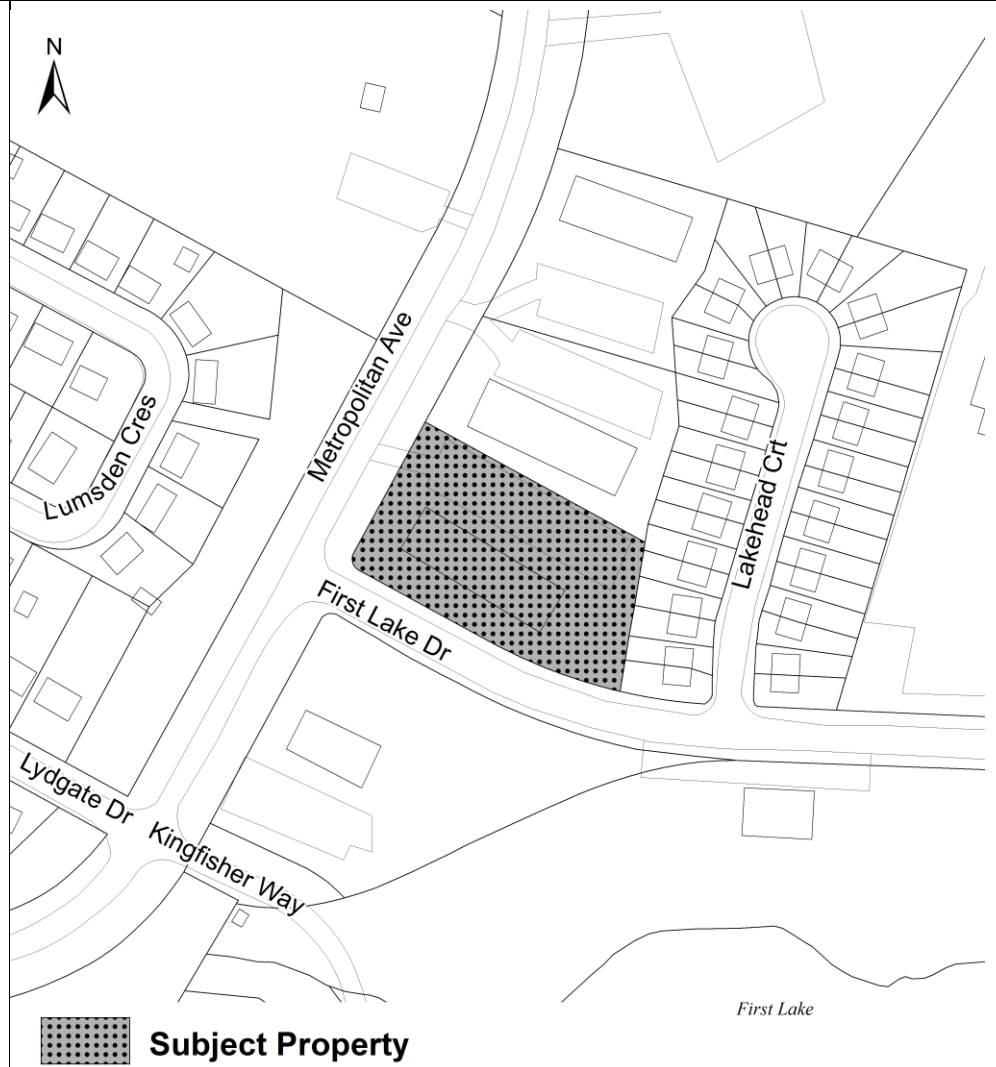
- Urban Residential

**CURRENT ZONING:**

- R-4 (Multiple Unit Dwelling) Zone

**PROPERTY DESCRIPTION:**

- Current use: Multiple Unit Dwelling (36 units)
- Property Size: 61,354 ft<sup>2</sup> (5,700 m<sup>2</sup>)



For further information, please contact Tyson Simms, Planner I, 902-490-4843, simmst@halifax.ca or visit <http://www.halifax.ca/planning/applications/Case19452Details.php>