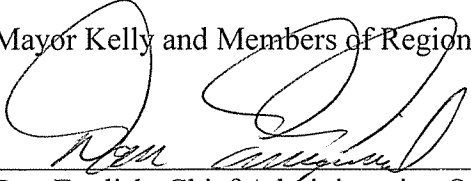


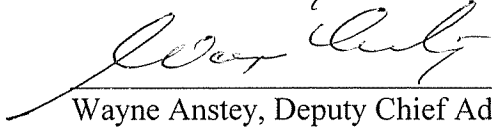
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HALIFAX PO Box 1749
Halifax, Nova Scotia
REGIONAL MUNICIPALITY B3J3A5 Canada

Halifax Regional Council
May 1, 2007

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY: 
Dan English, Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: April 17, 2007

SUBJECT: **Case 00931 - MPS and LUB Amendment for 50 Bedford Highway,
Halifax**

ORIGIN

Request from WM Fares and Associates, on behalf of Basin Vista Developments Limited, to amend the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit by development agreement two eight-storey multiple unit residential buildings at 50 Bedford Highway, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit by development agreement two eight-storey multiple unit residential buildings at 50 Bedford Highway, Halifax; and
2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

BACKGROUND

Location and Land Uses

The property, currently occupied by the Basin View Motel, is located on the west side of the Bedford Highway, just off the Halifax Peninsula (see location and zoning map). It is surrounded by:

- commercial uses, including two car dealerships and a service station (which is currently closed) to the south and an office within a small building to the north;
- a mixture of housing types, including single detached dwellings and low-rise and high-rise multiple unit residential buildings;
- railway tracks and the Bedford Basin, just across Bedford Highway; and
- Fairview Cove Container Terminal and its associated harbour-related industrial uses further to the south.

The car dealerships and service station are located within what is understood to be a former quarry. The motel is also partially within this pit, but at a slightly higher elevation. The residential uses surrounding these businesses are on the outer upper edge of the pit, at a much higher elevation. There is a further buffer in the case of the motel property, with the presence of a substantial amount of trees between it and the residential uses to the rear.

The businesses have a significant traffic access issue that is partially the result of them having individual driveways on the Bedford Highway, where there is a considerable volume of vehicular traffic. This is exacerbated by the topography of the road in this area, where it rises and crests immediately to the north of the driveways (toward Bayview Drive).

Districts and Zoning

The district designations, identified on the Future Land Use Maps, and the corresponding zoning reflect the present land uses within the area:

- The businesses are within the Highway Commercial District and Highway Commercial (C-2B) Zone, which allows for:
 - (a) a variety of commercial uses with an emphasis upon activities that generally benefit from a location upon a highway; and
 - (b) residential uses, including apartment buildings to a maximum height of 35 feet.

- The residential uses are within the Residential Environment District with:
 - (a) high-rise and low-rise multiple unit residential buildings in both the R-3 and the R-4 zones; and
 - (b) single detached dwellings in the R-1 Zone.

DISCUSSION

Proposal

The motel owners believe that their property has only limited potential for commercial activities. They have therefore contemplated an as-of-right, low-rise multiple-unit residential building complex. This is permitted within the existing C-2B Zone, subject to its zone restrictions, including that the population density be no greater than 75 persons per acre and buildings be a maximum of 35 feet in height. However, the owners believe that a proposal to replace the motel buildings with two eight storey residential buildings, having a density of 96 persons per acre, would be advantageous for the following reasons:

- The taller buildings can be accommodated on the site without causing compatibility issues with the surrounding residential uses, as these new buildings will be at a lower elevation and buffered by trees to the rear of the property.
- The buildings will have a smaller footprint in comparison to a low-rise project.
- The proposal will result in higher quality buildings than what would likely be achieved with a low-rise project, due to the National Building Code requirements for taller buildings.

A further presented advantage is a commitment by the proponent to address the existing traffic access issues by undertaking a comprehensive study and implementing measures that would likely include a new shared single access driveway.

This proposal would be enabled by an amendment to the Municipal Planning Strategy with site specific development agreement criteria.

Site specific Municipal Planning Strategy amendments and policy reviews should generally only be considered where circumstances related to these policies have changed significantly. In response to this it is noted that the Highway Commercial designation and C-2B Zone were likely only applied to the motel because it was an existing commercial use at the time that the Bedford Highway Secondary Planning Strategy was adopted. Under different circumstances, it could well have been included in a High Density Residential District designation and the R-4 Zone. Although this proposal will result in a higher density than the 75 persons per acre that would be afforded in an "as-of-right" C-2B Zone proposal, the increase is worthy of consideration with the control that can be exercised over the project with a development agreement and the benefits that may be achieved with a potential traffic access solution.

Should Council agree to initiate this application, in addition to consultation with surrounding residents and property owners, it is recognized that care will need to be taken to consider

compatibility issues that could arise with any possible future expansion of harbour-related industrial uses in the vicinity. A review of this matter would occur as part of the detailed application review process.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

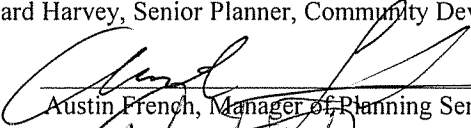
1. Council may choose to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to allow a development agreement. This is the staff recommendation.
2. Council may choose not to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law, thereby retaining the as-of-right allowances afforded by the C-2B Zone. This is not recommended for the reasons outlined above.

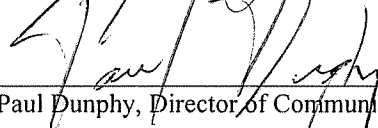
ATTACHMENTS

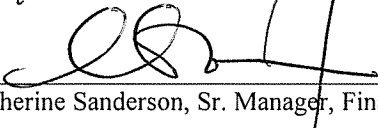
Map 1 Location and Zoning

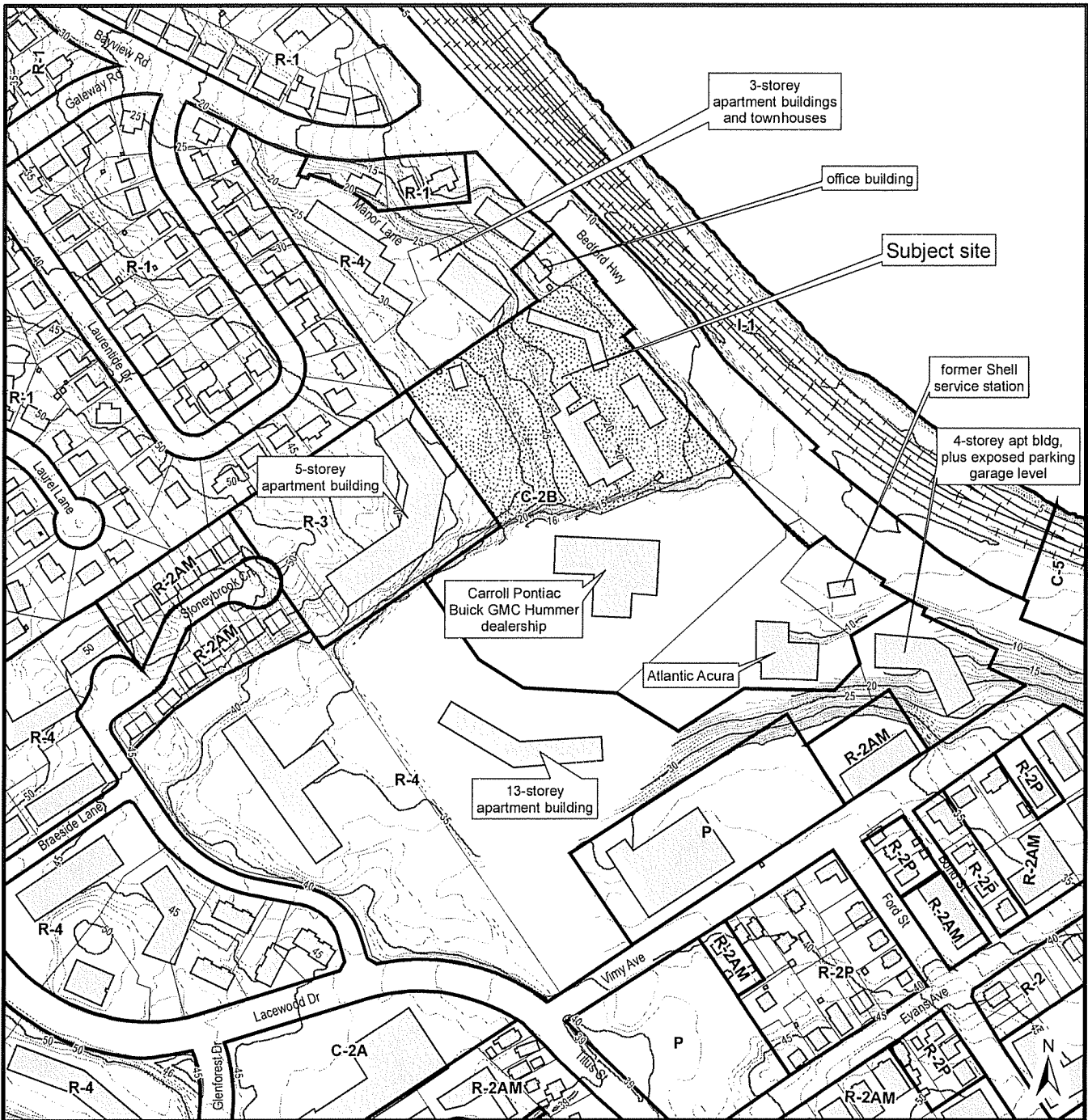
A copy of this report may be obtained online at <http://www.halifax.ca/council/agendas/caagenda.html> by choosing the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: 
Paul Dunphy, Director of Community Development

Report Approved by: 
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



Map 1 - Location and Zoning
 50 Bedford Highway
 Halifax

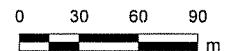
-  Subject property
-  Index contour
-  contour

Halifax Mainland
 Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2AM General Residential Conversion
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- C-2B Highway Commercial
- I-1 General Industrial
- P Park and Institutional

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 PLANNING AND
 DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

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