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Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.3

Halifax Regional Council
October 23, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "G. L. Kaiser".

Geri Kaiser, Acting Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 11, 2007

SUBJECT: **Case 01046: MPS Amendment and Development Agreement, South Park Street and Brenton Place, Halifax**

ORIGIN

Application from WM Fares to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw to permit a 19 storey residential building, with first and second storey commercial uses, on the north-east corner of South Park Street and Brenton Place in Halifax, by development agreement.

RECOMMENDATION

It is recommended that Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw to permit a 19 storey residential building, with first and second storey commercial uses, on the north-east corner of South Park Street and Brenton Place, in Halifax, by development agreement; 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

Proposal

WM Fares has a purchase and sale agreement with Ocean Resources Limited for the land shown on Map 1 (attached). It proposes to amend the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw to establish a development agreement policy that would allow a building that ranges in height from 13 to 19 storeys and that is to be comprised of:

- general commercial uses upon the ground floor facing South Park and Brenton Place;
- offices upon the second level;
- upper storey apartments; and
- two levels of underground parking with an access off Brenton Place.

The form of the building is fully outlined in the attached drawings (Attachment “B”)and includes:

- a base, which varies between two to three storeys;
- a middle section that is inset from the base; and
- a rooftop with terraces and an amenity area.

The site is currently comprised of six properties; three are vacant lots and three have houses upon them.

Policies, Regulations, and Studies

There are several relevant matters for Council to consider in deciding whether to proceed in initiating this application:

1. Halifax MPS and LUB Context

The site is in the Residential-Commercial Mix District and the RC-2 Zone. This application would require Council to consider creating policies that would be different from many of the current Municipal Planning Strategy policies and Land Use Bylaw requirements that apply to this District and Zone for this area. At this time:

Under the Land Use Bylaw, in the RC-2 Zone:

- Commercial uses are only permitted at or below grade.
- Residential uses are limited to houses containing a maximum of four dwelling units and townhouses.
- The maximum height of buildings is 45 feet.

Further to the Municipal Planning Strategy:

- There are development agreement provisions which allow Council to consider buildings that are greater than 45 feet in height in the Residential-Commercial Mix District, but only upon the “Clyde Street Parking Lots.”
- There are planning policies that cite a concern with the height of buildings facing Victoria Park and the Public Gardens, which results in height controls within the C-2D Zone. Such concerns are relevant to this application as the site directly faces Victoria Park.

2. Regional Municipal Planning Strategy Context

With the adoption of the Regional Municipal Planning Strategy, any proposal in the Spring Garden Road Commercial Area that is greater than 40 feet in height now needs to be by development agreement. The new policy stipulates that Council is to consider relevant Land Use Bylaw requirements such as land use, building heights, and building setbacks for a proposal and then focus upon the functionality and form of the proposal as the main elements of review for the development agreement. WM Fares’ Municipal Planning Strategy amendment application is being made because the building does not meet many of the requirements of the Land Use Bylaw regarding matters such as land use and building height.

3. Public Lands Plan Context

In February, 2007 Regional Council adopted, in principle, the Spring Garden Road / Queen Street Area Joint Public Lands Plan. Of relevance to this application, the “Public Lands Plan” recognizes the importance of the “Schmidtville” area to the south of Clyde Street as a cohesive neighbourhood. It also views Clyde Street / Brenton Place as a important linkage between Victoria Park and a new park that is to be established at the intersection of Queen Street and Clyde Street on the former Infirmary Hospital lands.

4. HRMbyDesign

It is anticipated that the HRMbyDesign Project will recommend planning policy and zoning changes for the Spring Garden Road Commercial Area. As this study will not be complete until early 2008, Council does not yet have the benefit of being able to consider the project’s complete recommendations at this time. However, it should be noted that at a September workshop a maximum building height of 116 feet, or approximately 11 to 13 storeys, was cited as a preliminary recommendation for the block upon which the site is located.

DISCUSSION

This application proposes significant changes to many longstanding Municipal Planning Strategy policies and Land Use Bylaw regulations that relate to the subject site. The rationale for the changes is contained in a letter from WM Fares (Attachment “A”). In summary, the company cites that:

1. many of the objectives expressed within the Community MPS, such as limiting the impact upon Victoria Park, can be achieved through the building’s design;
2. the proposal meets the recently adopted Regional Plan development agreement conditions that address function and form;
3. there is little impact upon the established Schmidville neighbourhood area;
4. the proposal will contribute to the Clyde Street/Brenton Place linkage outlined in the Public Lands Plan; and
5. the building relates well to the early principles that have been expressed through the HRMbyDesign study.

In addition to these points, WM Fares cites that circumstances have changed since the Municipal Planning Strategy policies and Land Use Bylaw regulations were adopted for the area, particularly for the block upon which the lands are located. Buildings have been demolished and there is no longer a cohesive low density residential neighbourhood area.

Analysis

Many of the points raised by WM Fares provide a strong rationale for Council to consider this application. With respect to the height recommendations from the HRMbyDesign project it should be recognized that these are preliminary in nature and that there are other recommendations that call for prominent buildings next to significant civic spaces that are yet to be resolved. Importantly, the form of the proposed building relates positively to that which is being recommended to date through the HRMbyDesign project.

With regard to the building design details, staff suggest that the building should have a more pronounced corner, to serve as a gateway through to Brenton Place and Clyde Street, along with greater articulation of rooftop elements. In addition, there should be attention paid to determine what the most appropriate uses will be for the ground floor level, in order to ensure that is an attractive streetscape and pedestrian interface. Although the type commercial uses for the building have not been specified, those uses that do not have a significant amount of walk-in customers, such as offices, can create bland street environments. Should the location of this project limit the type of commercial uses that would likely be expected, it may be preferable for a row of townhouses fronting the apartment building to be established. These are matters that can be explored and improved upon as the proposal is refined.

As the application proceeds, more detailed information that would be expected includes descriptions of the cladding materials, perspective drawings, sun/shadow studies, and wind comfort analysis.

Through this application, staff would look at not only the proposed site, but also other properties on the same block as the subject of possible Municipal Planning Strategy and Land Use Bylaw amendments. Regional Council should initiate a plan amendment process to receive public input and determine the merits of this proposal. As a Municipal Planning Strategy amendment is required to allow the building, Council has the discretion to approve or refuse it when it returns to Council with public input and additional information.

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

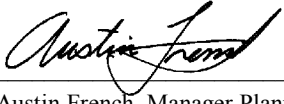
1. Council may choose to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law. This is the staff recommendation.
2. Council may choose not to initiate amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, thereby retaining the as-of-right allowances of the RC-2 Zone. This is not recommended for the reasons outlined above.


ATTACHMENTS

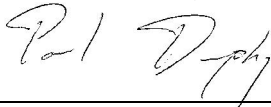
Map 1	Location and Zoning Map
Attachment "A"	Letter from WM Fares
Attachment "B"	Project Drawings

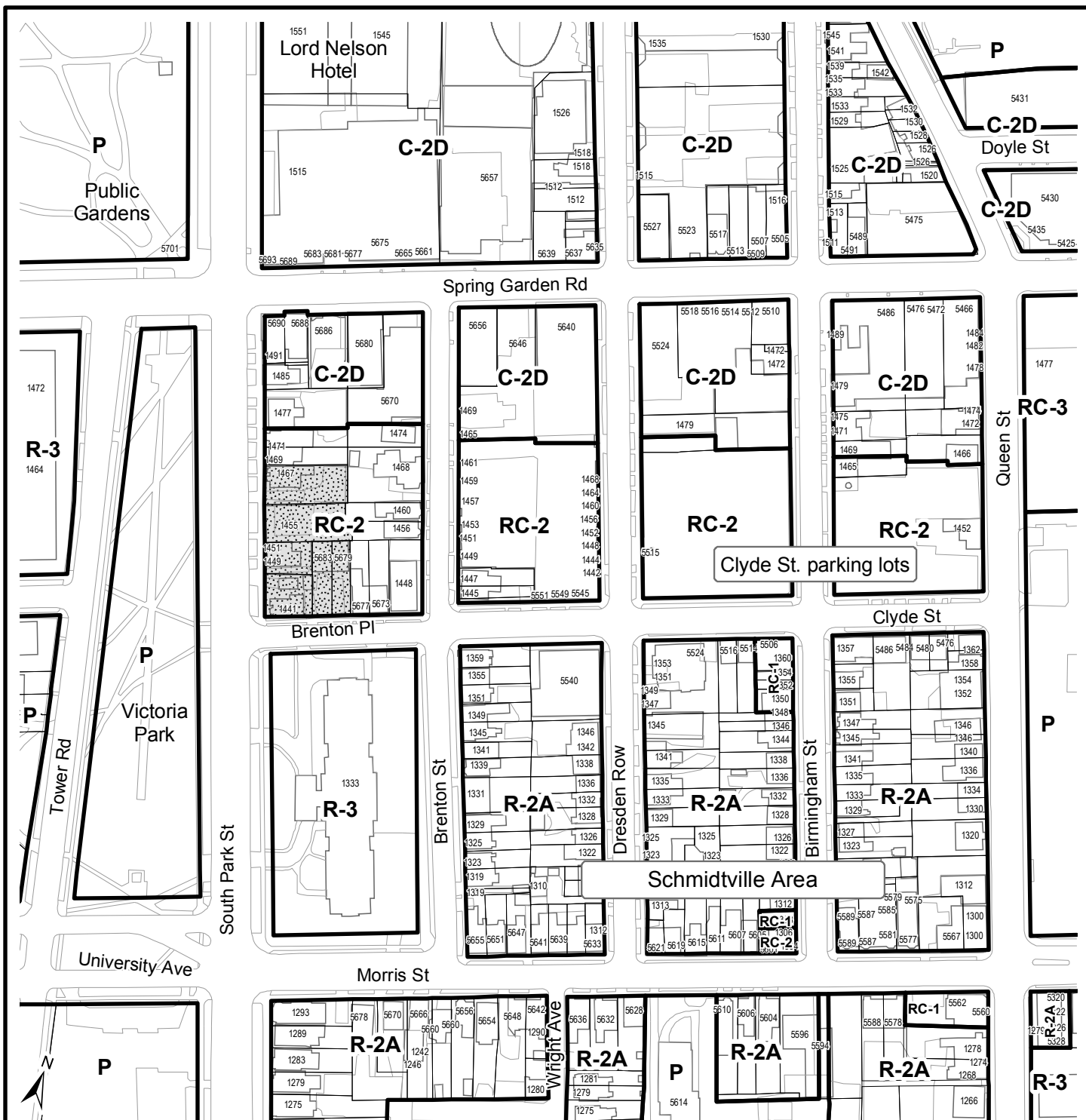
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Senior Planner, 490-3691

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

Financial Approval by: 
For Catherine Sanderson, Senior Manager, Financial Services, 490-1562


Report Approved by: Paul Dunphy, Director, Community Development



Map 1 - Location and Zoning

1441-1467 South Park Street
5679-5883 Brenton Place
Halifax


 Subject area

Halifax Peninsula
Land Use By-Law Area

Zone

R-2A General Residential Conversion
R-3 Multiple Dwelling
RC-2 Residential Minor Comm.
C-2D General Business - Spring Garden Rd
P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

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

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



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October 4, 2007

Richard Harvey, Senior Planner
Planning and Development Services
Halifax Regional Municipality
636 Mumford Road
Halifax, Nova Scotia
B3J-3A5

Re: Site Specific Plan Amendment Corner of South Park and Brenton Place
HRM Case # 01046
PID numbers: (125682, 40346710, 40310021, 125690, 125708, 125716)

Dear Mr. Harvey,

The following is in support of a Site Specific Plan Amendment application for the subject properties, which are bound by South Park and Brenton Place, to allow a mixed use complex.

1.0 SITE LOCATION AND CHARACTERISTICS:

The parcels of land (civic #s 5679 and 5683 along Brenton Place and civic #s 1441, 1449, 1451, 1455, and 1467) which are subject to this application, are located in the Spring Garden Road Commercial Area Plan and designated Residential Commercial Mix (RC).

The current use of the subject properties is low density residential. This no longer resembles the characteristics of the immediate area, which is predominately high density residential and commercial, but is more characteristic of Smittyville, which has evolved into a cohesive residential neighbourhood. Some of the adjacent uses are Park Victoria Apartments, Garden Apartments/Smitty's Restaurant, Spring Garden Apartments, Lord Nelson Hotel, Park Lane Shopping Mall, City Center Atlantic, in addition to a number of banks, restaurants, and schools.

There are many attributes of this site that make it truly unique and provide an opportunity for an exciting and animated development, some of which are:

- Creating a vibrant environment around Victoria Park.
- The close proximity to the Public Gardens.
- Provides for an urban design streetscape as an extension of Spring Garden Road to South Park Street
- Being a gateway site of the axis to Brenton Place/Clyde Street
- Provides a tremendous opportunity to create an exciting place to live and work.

2.0 PROJECT DESCRIPTION

- The project is comprised of four principal elements:
 - Two floors of underground parking.
 - A low rise perimeter accommodating two floors of commercial space, and two floors of stepped residential units incorporating large terraces of approximately 15' x 20', which overlook Victoria Park.
 - A slender tower of residential floors including 80 suites
 - The tower steps at higher levels leading to a skyline feature that will add a signature architectural element and form an exciting transition from building to sky.
- The total height from sidewalk to penthouse level is 19 floors.
- The entrance for the tower is at the South Park/Brenton Place corner providing both “urban energy” to the intersection and a northern “gateway” post to the Infirmary/Walter Scott axis.
- The low rise building shows a brick exterior with clear glass.
- The tower shows architectural pre-cast, stone in colour also with clear glass.

3.0 MERITS OF PROSAL

The proposed mixed use building meets the intent of the Municipal Planning Strategy; specifically we have given great consideration to Policy 2.7 that speaks to minimizing the visual impact of new development along South Park Street on the Public Gardens and Victoria Park, through the following:

- The proposed development is of high quality. It promotes high quality architecture and urban design.
- We are proposing a low rise perimeter accommodating two floors of commercial space, and two floors of stepped residential. This is defined with the stepping of the generous outdoor terraces along the roof areas of the low rise, which will be animated with people, planting and activity visible from Victoria Park. Conversely Victoria Park will become a stage providing active views for people

on the terraces and in the tower above. The commercial level presents an urban design streetscape which provides for a relationship with the side walk, and brings life to the streetscape encouraging pedestrian activity. This commercial space also steps down with the grade to create ease of movement and a visual break.

- The maximum height at the street line varies between 26 feet and 36 feet, which is significantly less than the 55 feet stated in MPS Policy 2.7.
- building wall to glass ratio
- Human scaled building elements at the first few stories

- We are proposing a slender tower (60ft x 144ft) which is stepped back 15.5 feet from the commercial level. The tower is softened by incorporating elements such as projected bay balconies on lower levels and inset French balconies with glass from floor to ceiling on higher levels, pre-cast concrete panels with simple yet stylish detailing and soft colors, iron and glass railings, clear windows, a geometric element at the corner of South Park and Brenton Place, which provides the opportunity for some type of public art. The proposed building will also ensure quality skyline with elegant proportions and high quality materials adding to the overall architectural appeal.

The proposed project exemplifies the vision and principles of the Regional Centre Urban Design Study which states:

“An urban design strategy for the Regional Centre should reinforce the vitality of both downtowns by continuing to direct concentrations of civic and cultural attractions to these areas; by improving the quality of the civic infrastructure; and most importantly, through a targeted strategy of residential intensification. The best and most enduring urban destinations are living and breathing communities that are dense with activity and people at all hours and seasons – a community that theme parks, museums, stadiums and casinos alone cannot build.”

Thank you for your time and assistance to date. We are looking forward to working with you and other approval agencies to bring this unique and exciting project to life.

Yours truly,



Cesar Saleh, P.Eng.
W. M. Fares Group

SP1

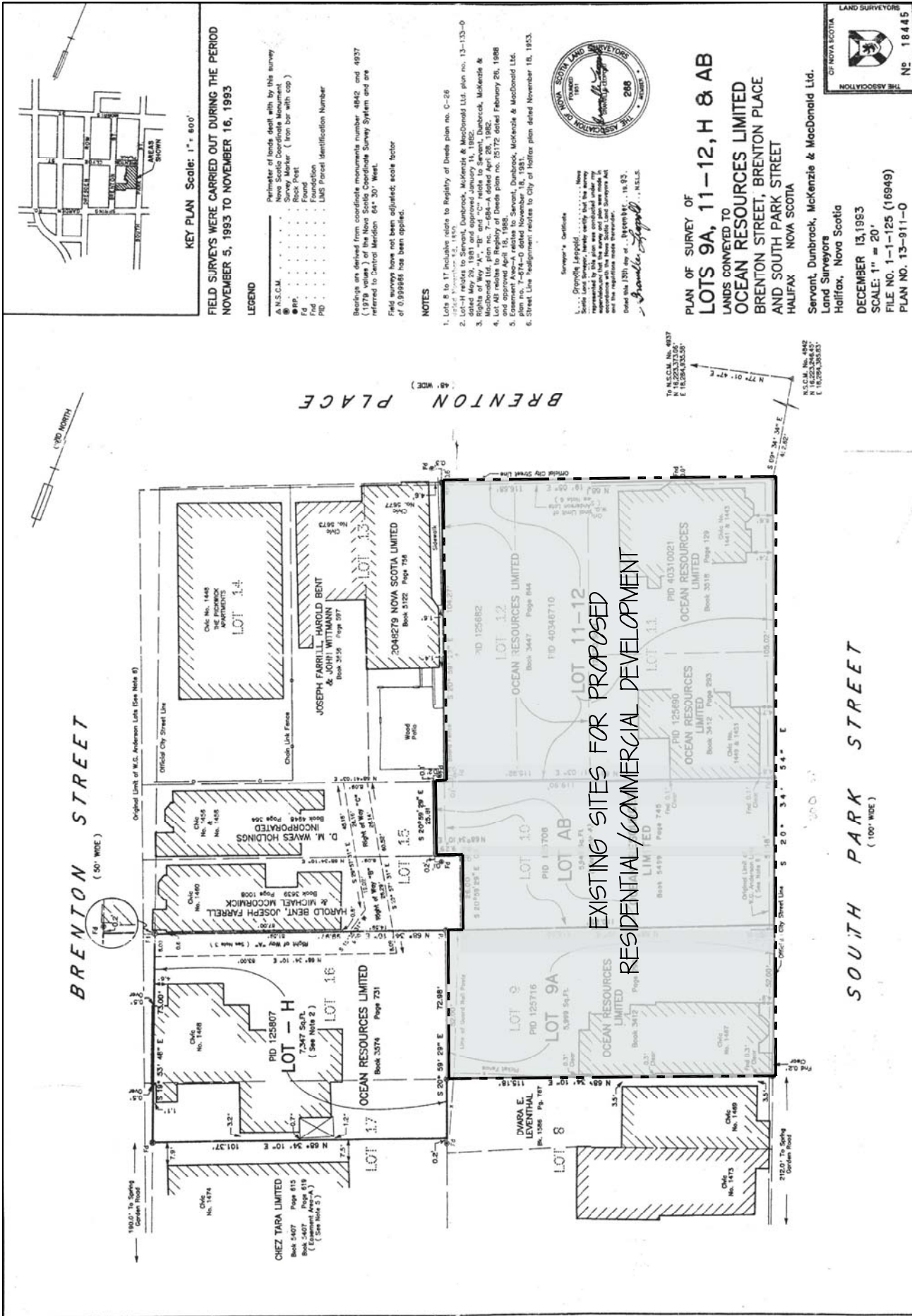
80 UNIT CONDOMINIUM AND COMMERCIAL COMPLEX

SOUTH PARK/BRENTON, HALIFAX, N.S.

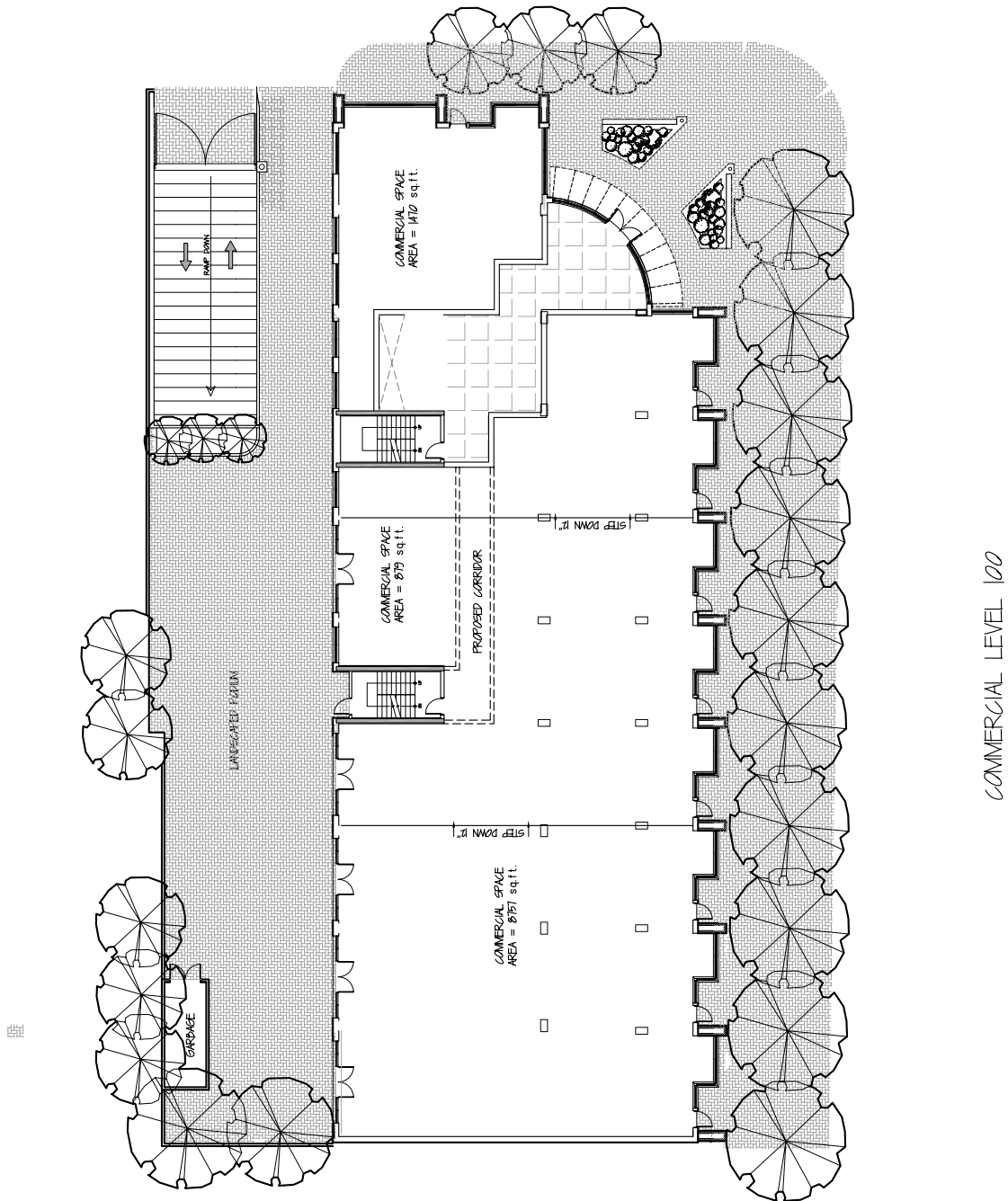
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SCALE:	NTS
DRAWN:	RUB
DATE:	MARCH 2007
PROJECT:	2005-26

SHEET:



Attachment "B" - Project Drawings



80 SUITE CONDOMINIUM AND COMMERCIAL COMPLEX
SOUTH PARK STREET/BRENTON PLACE, HALIFAX, N.S.

SCALE: NTS

DRAWN: RJB

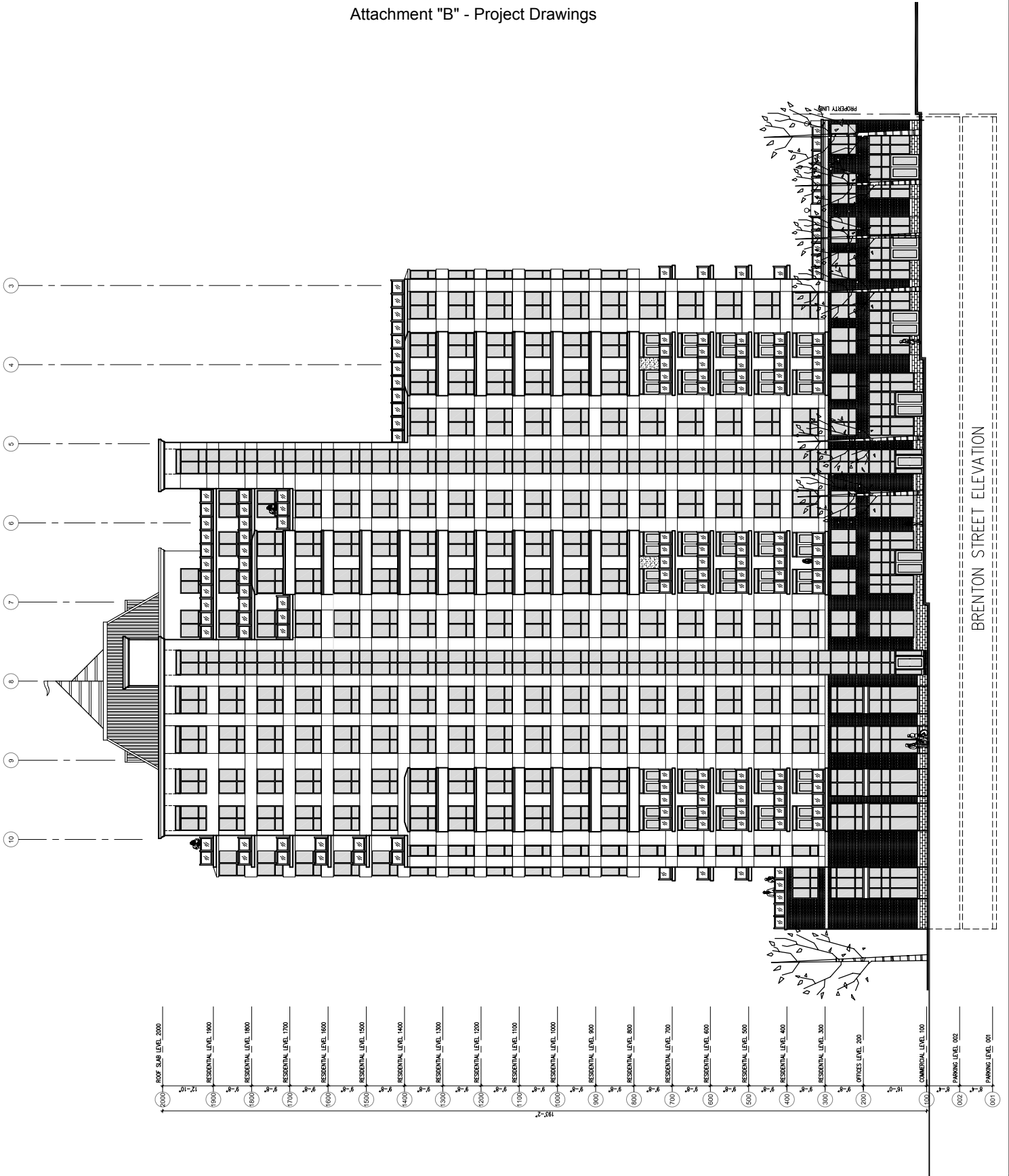
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PROJECT: 2005-26

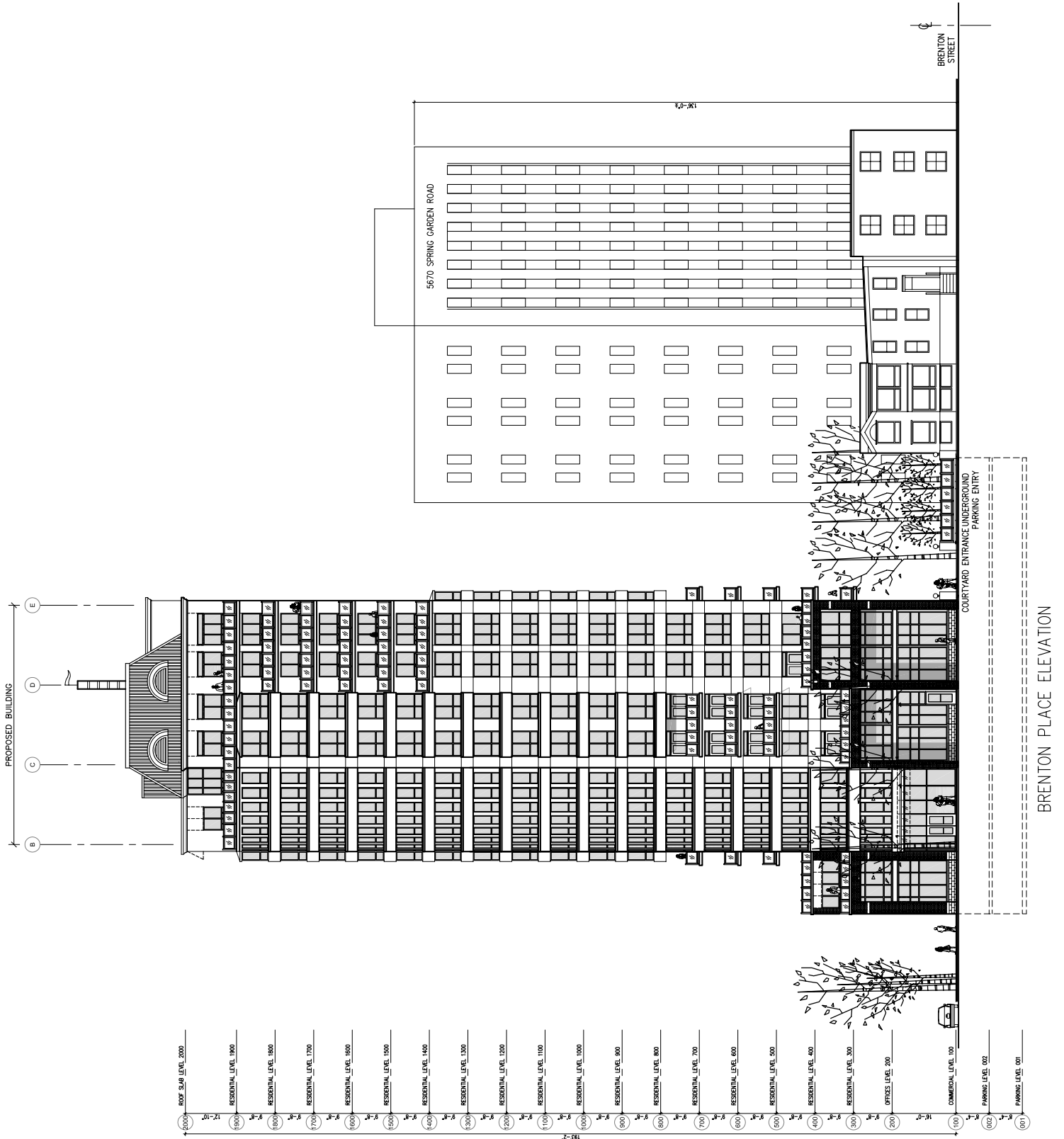
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Attachment "B" - Project Drawings



Attachment "B" - Project Drawings

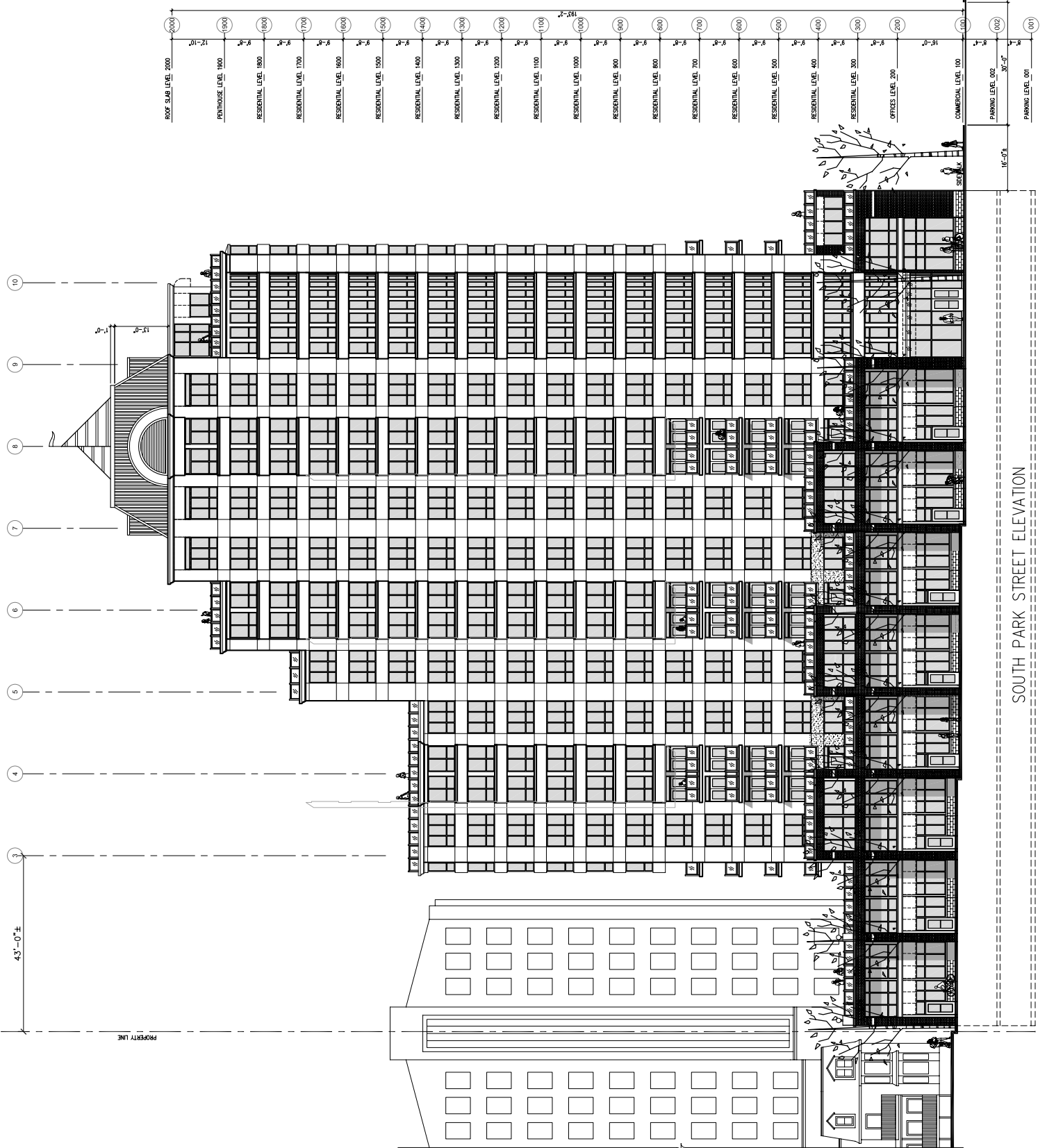


80 SUITE CONDOMINIUM AND COMMERCIAL COMPLEX
SOUTH PARK STREET/BRENTON PLACE, HALIFAX, N.S.

SCALE:	NTS
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Attachment "B" - Project Drawings



Attachment "B" - Project Drawings

