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Item No. 11.1.4

Halifax Regional Council
December 4, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

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

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: November 26, 2007

SUBJECT: Case 01079: Dartmouth MPS Amendment - Office Buildings

ORIGIN

Application by EDM Limited, on behalf of Dartmouth Crossing Limited, to amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow for office uses in buildings greater than three storeys in height within the Dartmouth Crossing development.

RECOMMENDATION

It is recommended that Regional Council **not initiate** a process to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to allow for office uses in buildings greater than three storeys in height within the Dartmouth Crossing development, pending completion of the Business Parks Development Functional Plan.

BACKGROUND

Dartmouth Crossing Ltd. is seeking to construct a five storey building (Figure 1) that accommodates retail and service uses on the ground floor with the remaining four storeys occupied by offices.

Under the existing I-2 (Industrial) zoning on the property, a building with a primary office function is limited to only three storeys in height. EDM Ltd. is requesting amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law to permit office functions in a building containing up to five storeys in height.

The 2.5 acre parcel requested to be added to Schedule “H” of the Dartmouth Land Use By-law is located on a discontinuous parcel of land located approximately 500 metres east of the existing Schedule “H”. Schedule “H” denotes the area of the City of Lakes Business Park, where office buildings up to five storeys in height are permitted. Dartmouth Crossing Ltd. is also offering to remove an equitable area of their lands from Schedule “H” in consideration of the requested amendment (Map 1).

EDM Ltd. has twice sought alternatives to achieving their proposal:

- i) In 2006, EDM held discussions with staff on amendments to Dartmouth’s MPS and LUB to permit a five storey office building anywhere within the entirety (300 acres) of the Dartmouth Crossing lands; and
- ii) In 2007, EDM submitted a pre-application to rezone a portion of the site (24 acres) from I-2 to Burnside Comprehensive Development District (BCDD) to enable consideration for a five storey office building by development agreement.

Staff advised EDM Ltd. that both alternatives were inconsistent with plan policy and were premature as the requests preceded the development of the Business Parks Development Functional Plan (BPDFP) as provided for by the Regional Municipal Planning Strategy (RMPS).

Dartmouth MPS and LUB

The Dartmouth MPS provides support to its Central Business District by encouraging General Office uses to locate in the downtown area by actively preventing their establishment elsewhere via Policy C-6 (Attachment A). This policy is implemented in the LUB by restricting buildings to a maximum of three storeys where the primary function of the building is office use.

In 1990, the former City of Dartmouth approved amendments to the MPS and LUB relative to office buildings. The amendments were designed to support the new City of Lakes Business Park as a prestige business park by enabling office buildings in the park to a height of five storeys (Attachment A, Policies C-15 and C-16). Through this amendment, Map 2A was added to the Dartmouth MPS and Schedule “H” was added to the LUB, which defined the lands of the City of Lakes Business Park, and within which five storey office buildings are permitted.

Therefore, under current Plan policy, there are only two areas in the Dartmouth Plan where office

uses greater than three storeys are permitted - Downtown Dartmouth and City of Lakes Business Park. Since the amendments, the City of Lakes Business Park has developed as a unique suburban office park in a campus-like setting.

Business Parks Development Functional Plan (BPDFP)

As provided for in the Regional Municipal Planning Strategy (RMPS), the development and implementation of Functional Plans serve as a guide to the management of the Municipality. Under the RMPS, Council has committed to the preparation of a Business Parks Development Functional Plan (Attachment B) which will investigate various topics important to the long term development and sustainability of the region's business parks.

On November 20, 2007, Regional Council approved retaining a consulting firm to undertake the BPDFP. Phase I of this study entails a 'macro-level' analysis of all HRM Business Parks in order to gain a comprehensive understanding of the relationships between the various Business Parks and greater HRM, and also includes a more detailed 'micro-level' analysis for the Burnside and City of Lakes Business Parks and Dartmouth Crossing lands. The study is anticipated to be complete in approximately four months (Spring, 2008).

DISCUSSION

The Dartmouth MPS only supports office buildings greater than three storeys in height within Downtown Dartmouth and the City of Lakes Business Park. EDM's application for a site-specific MPS/LUB amendment to construct a five storey office building on a 2.5 acre site in Dartmouth Crossing (outside Schedule H) is inconsistent with plan policy as it would undermine Council's present intent to encourage taller suburban office buildings to locate within the City of Lakes Business Park. Further, the proposed amendment would remove a portion of the area defined for office space now within the City of Lake Business Park and reallocate it to a site within Dartmouth Crossing, without a comprehensive review of HRM's business park and office needs.

The proposed amendment may also establish precedent for other such requests in other locations throughout Dartmouth.

Perhaps more importantly, staff advises that this request is premature, given Council's recent approval to commence the Business Parks Development Functional Plan. Attachment B of this report presents an excerpt from the Regional Plan describing the topics that the BPDFP should address. The topics that are most relevant to the proponent's request include the following:

- Establish a system to monitor availability of land for commercial (including office), industrial and institutional uses and determine whether supply is meeting demand ... ;
- rationalize the number, location, ownership, types of uses, design parameters, service levels

and overall purpose of all business parks within HRM, including those owned by the private sector, Province and HRM;

- Investigate designating additional lands for use as an office campus;
- Confirmation that the City of Lakes Business Park will be developed as a premier suburban office and accessory business services location;
- Determination of appropriate restrictive covenants and zoning by-law provisions pertaining to the City of Lakes BP, including permitted uses, site and architectural design criteria, urban amenities...; and
- Determination of additional lands for expansion of the City of Lakes Business Park.

In addition to the above topics, the Request for Proposals for the BPDFP specifically requested that the consultant address the “future demand for commercial/industrial land, optimum locations for the development of office space and the impact of future suburban business parks on the continued efforts to revitalize the downtown(s) and the central business district(s)”. In response to this directive, the successful consultant is expending considerable effort in analysing office development trends (past, present and future) within HRM. Through stakeholder consultation, market analysis and case studies, the consultant will determine the economic and locational drivers that have, and will govern office development within the Regional Centre and suburban areas and make recommendations on future land requirements and policy directions to guide such development.

Given this deliverable under the BPDFP, staff feels Council should have the benefit of the study’s findings in advance of proceeding with EDM’s requested site-specific MPS/LUB amendment process.

BUDGET IMPLICATIONS

There are no budget implications.

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 not initiate a process to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to allow for office uses in buildings greater than three storeys in height within the Dartmouth Crossing development. This is the recommended course of action.

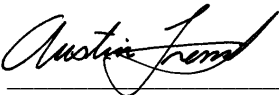
2. Council may choose to initiate a process to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to allow for office uses in buildings greater than three storeys in height on a 2.5 acre parcel of land within the Dartmouth Crossing development as shown on Map 1. Further, direct staff to follow the public participation program approved by Council in February 1997. Staff does not support this course of action for the reasons stated in this report.


ATTACHMENTS

Figure 1	Proposed Five Storey Office Building
Map 1	Site of Proposed Five Storey Office Building
Attachment A	Excerpts from the Dartmouth Municipal Planning Strategy and Land Use By-law
Attachment B	Excerpts from the Regional Municipal Planning Strategy

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose 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: 
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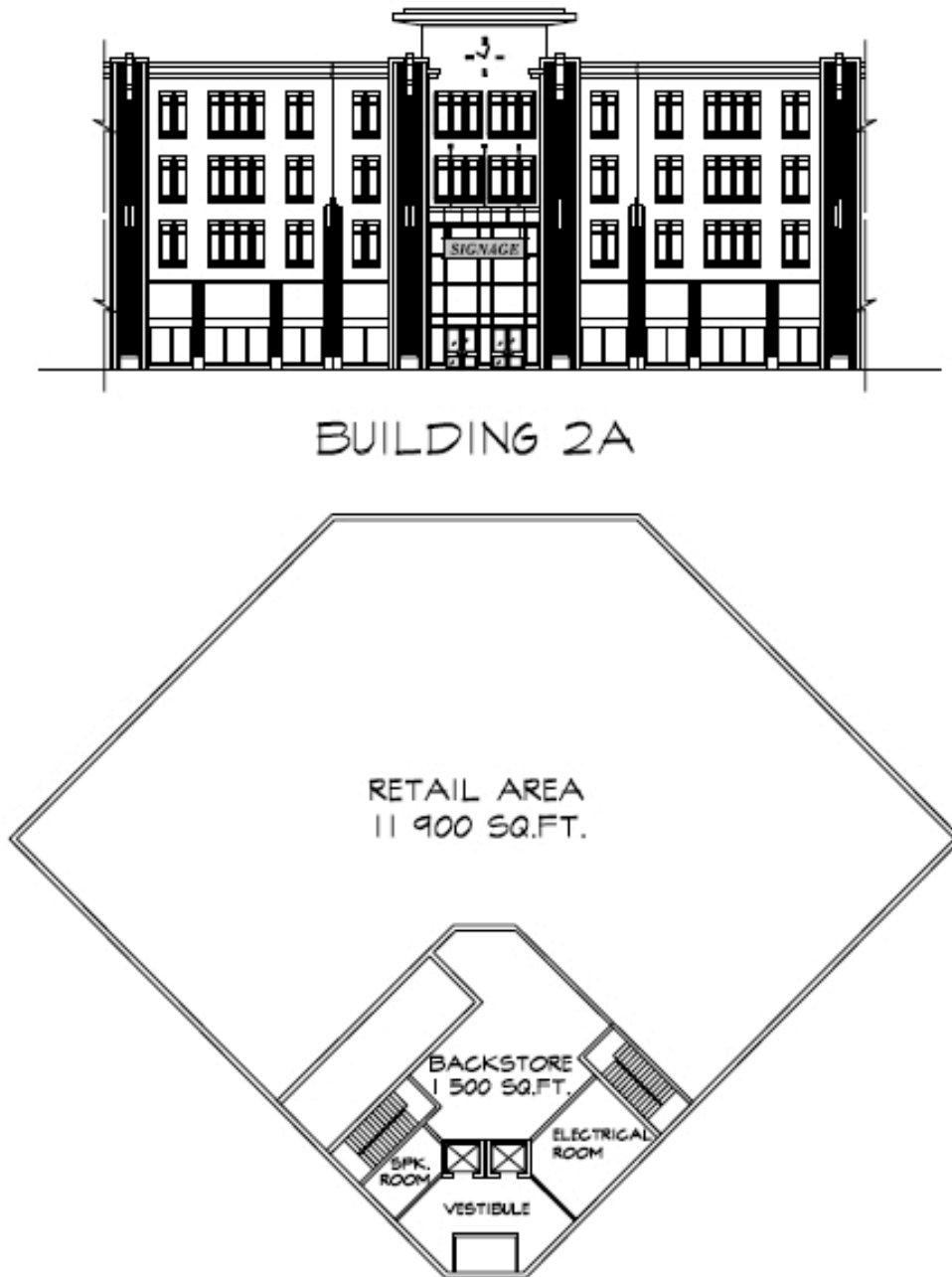
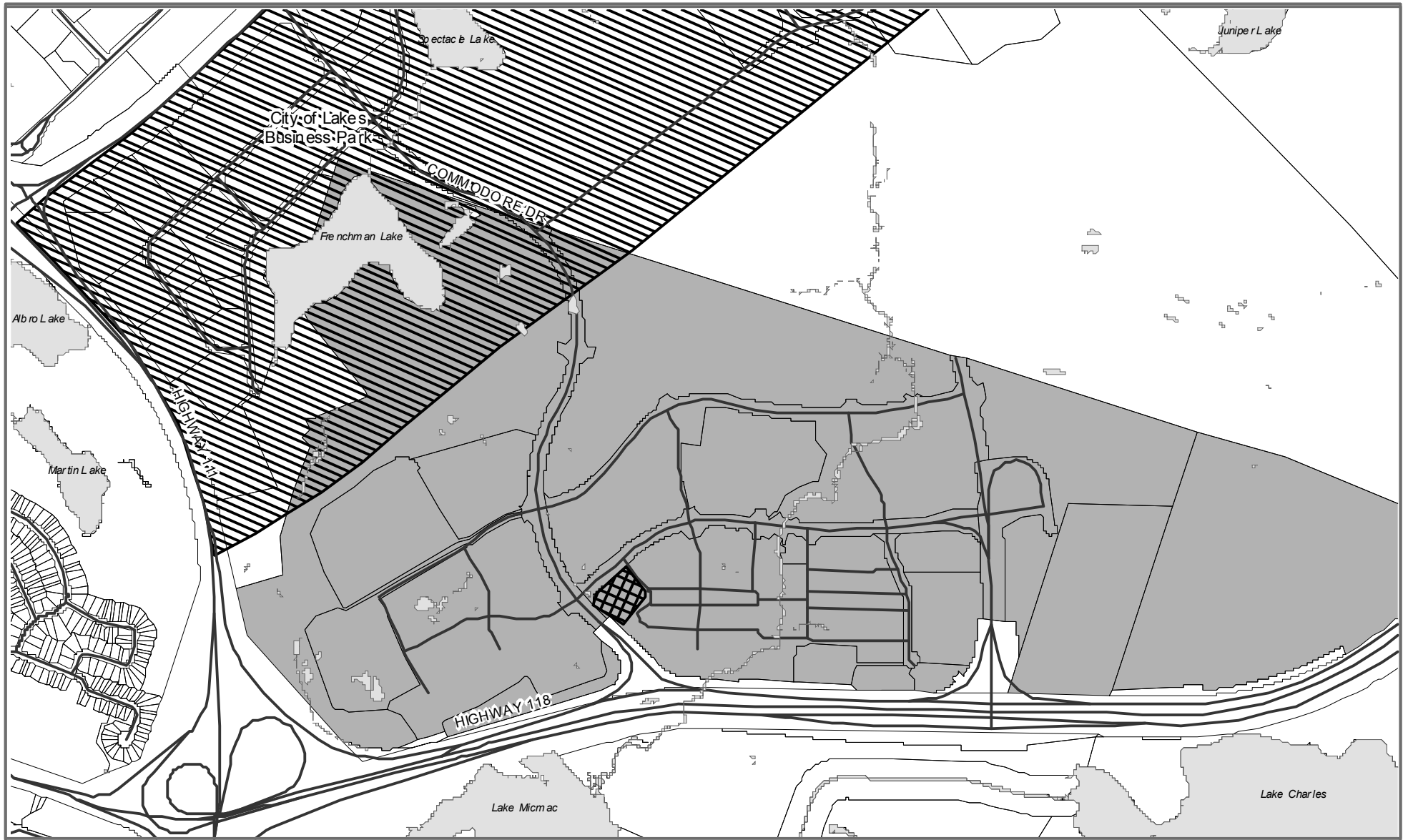
Report Approved by: 
Sharon Bond, Acting Director of Community Development

Figure 1 Proposed Five Storey Office Building








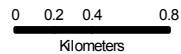
Case #01079

MAP 1

Site of Proposed Five Storey Office Building

Legend

-  Proposed Site
-  Schedule "H" Boundary (City of Lakes Business Park)
-  Lands of Dartmouth Crossing Limited



November 20, 2007

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This is a preliminary map and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this information.

Attachment A

Excerpts from the Dartmouth Municipal Planning Strategy and Land Use By-law

COMMERCIAL

(2) Office Facilities

(e) City of Lakes Business Park

In 1984, City Council approved the creation of the City of Lakes Business Park, situated on lands east of Burnside Drive in the vicinity of the interchange at Highway 111. It is the City's objective to encourage the development of the Business Park as a high profile, prestigious office and business location. The unique natural amenities of the area, coupled with its optimum location as a "gateway" site to the City and indeed the entire metro area, provide an ideal setting for development of the Business Park as a quality office location.

The City of Lakes Business Park will attract office uses which neither desire nor require a downtown location. In order to enhance the attractiveness of the Business Park as an office location, provide for a significant and concentrated employment node and increase the economic viability of development projects, office buildings in the Business Park should be permitted to increase from a present height limitation of three storeys to five storeys in height. (As amended by By-law C-686, Aug. 28, 1990).

Policy C-6 It shall be the intention of City Council to support the revitalization of its core area by denying the placing of the general office functions outside of the core area.

Policy C-15 Notwithstanding any other policy in the Municipal Planning Strategy, it shall be the intention of City Council to permit office buildings to a maximum height of five storeys within the City of Lakes Business Park, as identified on Map 2A of this MPS.

Policy C-16 It shall be the intention of City Council to establish a "Schedule" within the Land Use By-law, which shall apply to all lands within the City of Lakes Business Park. Such Schedule shall incorporate regulations respecting the height of permitted office uses in the Business Park.

Attachment B
Excerpts from the Regional Municipal Planning Strategy

5.5.3 Business Parks Development Functional Plan

HRM has prepared a Business Park Assessment and Growth Plan¹. Recommendations from this study are intended to provide direction to HRM's business planning and long-term capital investment planning for HRM business parks. The study findings will also be used as the basis for preparing a Business Parks Development Functional Plan, which will investigate various topics important to the long term development and sustainability of the region's business parks.

5.5.3.1 Burnside Business Park

Burnside Business Park was established by the former City of Dartmouth and makes up 75% of the demand for serviced land in business parks in HRM. A variety of businesses have located in the park since its inception and support infrastructure such as hotels, restaurants and services have located here. Longer term expansion of Burnside will proceed on both privately held and publically held lands to the east and north of the current park, and a major commercial centre is underway for lands adjacent to Highway #118. Depending on need and market factors, it is possible that not all of these lands will be required for industrial or commercial uses. An alternative land use for portions of these lands is residential, and this Plan contemplates this use under Policy EC-13.

Through the Business Parks Development Functional Plan, the following topics are intended to be addressed, specific to the Burnside Business Park:

1. capitalizing on the infrastructure which will service the proposed commercial development on Highway #118 to position HRM for future development;
2. development planning for, and implications of, the anticipated construction of the Sackville Expressway;
3. incorporation of urban amenities such as sidewalks and parks in appropriate areas of all business parks which have a focus on retail and office development;
4. improvement in transit service to high-density employment areas in Burnside;
5. implementation of a grid system for the road network, where possible, to maximize functionality of the road layout and encourage development of road projects that will have a direct and positive impact on the Burnside Business Park;
6. development of a pedestrian based transportation plan for Burnside Business Park, which will fulfill the objectives of the Active Transportation Plan; and
7. consideration of segregating land use type to differentiate infrastructure requirements, based

on the following criteria such as:

- (a) areas of office development should have higher densities, more parks, sidewalks and urban amenities;
- (b) warehouse distribution areas should have wide streets, limited infrastructure and be segregated from office uses; and
- (c) manufacturing areas should have rail access, and limited infrastructure.

5.5.3.2 City of Lakes Business Park

The City of Lakes Business Park was created in the mid 1980s. It is located north and east of the Burnside Drive/Highway 111 interchange, and includes lands adjacent Spectacle and Frenchman Lakes. Most property within the park was originally under public ownership, with the exception of a small, privately held area east of Frenchman Lake. The focus for the City of Lakes Business Park is that it be developed as a premier suburban office and business services location, capitalizing on its strategic location and natural features of the area. Numerous high-end office buildings, a hotel and several retail/warehousing outlets have been constructed, together with an extensive park/trail system.

The future of the City of Lakes Business Park should address reinforcing its role as a prestigious office building location, determining areas for expansion and reviewing and enhancing development controls to encourage appropriate land use, proper site and building design criteria and Park amenities.

Through the Business Parks Development Functional Plan, the following topics are intended to be addressed, specific to the City of Lakes Business Park:

- (i) confirmation that the City of Lakes Business Park will be developed as a premiere suburban office and accessory business services location;
- (ii) determination of appropriate restrictive covenants and zoning by-law provisions pertaining to the City of Lakes Business Park, including permitted land uses, site and architectural design criteria, urban amenities (infrastructure, active transportation and transit services, parks/trails) and signage/marketing strategy. The “Draft 2.0 Municipal Planning Strategy” and “Draft 2.0 Land Use By-law”, City of Dartmouth, 1990, and the “North Dartmouth Planning Study”, EDM, 1994, will be used as a framework for this work; and
- (iii) determination of additional lands for expansion of the City of Lakes Business Park.

EC-21 HRM shall prepare a Business parks Development Functional Plan to guide future development of business parks owned and operated by HRM, consistent with the policies of this Plan.