



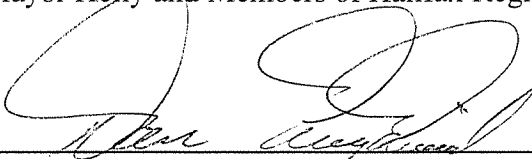
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Item No. 10.1.4

Halifax Regional Council
March 24, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: March 10, 2009

SUBJECT: Case 01230: Dartmouth MPS Amendment - 249 Windmill Road

ORIGIN

Application by W.M. Apartments Limited to amend the Dartmouth Municipal Planning Strategy (MPS) to enable an apartment building by development agreement.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Dartmouth MPS to re-designate the lands located at 249 Windmill Road (PIDs 40811085 & 41086018) from Industrial to Residential to permit an apartment building by development agreement.

BACKGROUND

W.M. Apartments Limited has submitted an application for the construction of an apartment building on an undeveloped lot located behind their existing apartment building at 249 Windmill Road. In order to develop the site as proposed, it is necessary that these lands (Map 1), as well as the existing apartment building site, be re-designated to residential and a development agreement approved for the new apartment building.

During staff review of a development agreement application for the proposed new apartment building (Case 00996), it was determined that the subject lands are designated Industrial on the Generalized Future Land Use Map (Map 2), not residential. The industrial designation does not permit new residential land uses. In order for Council to consider a development agreement for an apartment building on the lands under current plan policy, the Industrial designation needs to be replaced with the Residential designation. The proposed plan amendment and associated development agreement will proceed together under this single application.

Proposal

The applicants propose a 12-storey, 103 unit residential building located adjacent and downslope of an existing three-storey, 207 unit residential complex located at civic 249 Windmill Road. The new building is an example of residential in-fill development and features:

- quality architectural details complementary to the site's Halifax Harbour location;
- two-levels of underground parking; and
- access to the Windmill Road active transportation route corridor.

Location, Designation, Zoning & Surrounding Uses

- *Location:* The rear portion of the lands is primarily undeveloped, with a portion used for a parking lot for an adjacent three/four storey multi-unit residential building (Civic No.249 Windmill Rd.) also owned by the Applicant (Map 1).
- *Designation & Zoning:* The lands are designated industrial and split zoned C-2 (General Business) and R-4 Multiple Family Residential (High Density) (Maps 1 & 2).
- *Surrounding Uses:* Department of National Defence Annex and associated storage yard located to the south, active Canadian National rail line and Halifax Harbour to the west and multi-unit residential developments to the north and east.

Plan Policy

Under the Dartmouth Municipal Planning Strategy (MPS), applications for residential development greater than three units are enabled only by development agreement in accordance with MPS policies IP-5 and IP-1(c) (Attachment A). Specifically, Policy IP-1(c)1 requires the proposal to be in conformance with the policies and intent of the Plan. The industrial designation identifies areas within Dartmouth where industrial and commercial uses are encouraged and supported. However, the designation does not envision, nor permit, residential uses in these areas.

The requested development agreement is the first application for multi-unit residential development

in the general area located between the Halifax Harbour and Windmill Road, north of the DND Research Facility and south of the Nova Scotia Power Incorporated Tufts Cove generating station. The residential land uses in the general area, which are designated Industrial, predate policy IP- 5 (1991) which requires Community Council to approve a development agreement for residential developments of three or more units. In addition, the majority of these existing residential uses were constructed by-right as single, two-unit and multi-unit developments in the R-2, R-3, R-4 and C-2/R-4 zones.

DISCUSSION

Dartmouth Municipal Planning Strategy

In response to numerous by-right multi-unit residential developments during the late 1980's, Council amended Plan Policy in 1991 requiring discretionary approval for multi-unit residential developments of three-units and greater.

The resultant Policy IP-5 (Attachment A) enables controls over:

- the density, form and on-site amenities of the proposed developments
- the exterior design, height, bulk and scale of the new apartment development
- adequacy or proximity of schools, recreation areas and other community facilities
- adequacy of transportation networks in, adjacent to, and leading to the development; and
- useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;

Policy IP-1(c) (Attachment A) also provides for controls over amendments to the Land Use By-law (LUB) and contract zoning (development agreements) by addressing broader development related issues including:

- servicing capacity
- adequacy of surrounding traffic networks
- the financial capacity of the Municipality to absorb any related costs of the proposed development
- coordination between adjacent or near by land uses and public facilities; and
- conformance with the policies and intents of the Municipal Development Plan.

The Dartmouth Municipal Planning Strategy provides for future land uses by designating lands on the Generalized Future Land Use Map (Map 9). The LUB zones within the MPS designations vary and may not always be congruent with the Plan designations (Attachment A, Table 4). This variation between the designations and zones becomes relevant when considering discretionary development approvals, as Plan policy requires applications to satisfy and not conflict with the intent of the Plan. As identified in the Background section of this report, the existing industrial designation of the lands does not enable residential development and therefore presents a conflict with Policy IP-1(c)1.

Regional Municipal Planning Strategy

The Regional Municipal Planning Strategy (RMPS) places the subject lands within the Halifax Harbour designation. The intent of that designation is to provide for a range of development opportunities and land uses around the Harbour which contribute to the economic viability of a working harbour. Future land uses within the designation (Attachment B) support a range of development opportunities and Map 9 "Halifax Harbour Plan Proposed Land Use" of the RMPS illustrates this intent and identifies the subject and surrounding lands as existing residential sites.

Public Participation

The proposed multi-unit development has been the subject of two public information meetings (PIMs) under Case 00996, resulting in modifications to the proposal including:

- an improved site plan and building design via a reduced building footprint;
- additional landscaping and amenity space; and
- improved vehicular/pedestrian safety and connectivity.

Halifax Harbour Plan Steering Committee

To complement the public consultation achieved by the completed PIMs, staff also consulted with the Halifax Harbour Planning Committee on March 2, 2009 to discuss the implications of the proposed plan amendment. In consideration of the merits of this limited site specific request, the Committee did not express concern with the designation change. The Committee acknowledged that because no portion of the proposed residential development was to occur on the harbour side of the rail line, this should minimize or eliminate potential land use conflicts and impacts.

Should Council decide to schedule an additional public information meeting for the plan amendment (ie: Choose Alternative 3), public notices advertising the meeting will be placed in the newspaper, as well as written notification of property owners within the notification area identified on Map 1.

Summary

The proposed change in designation from industrial to residential for the lands will:

- complement existing land uses in the area;
- enable consideration of the proposed development agreement for a new multi unit residential development; and
- be consistent with both community and regional MPS.

Therefore, staff recommend that Council authorize initiation of the Plan amendment process for the proposed development.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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

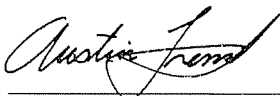
1. Council may choose to initiate the MPS amendment process. This is the staff recommendation.
2. Council may choose not to initiate the MPS amendment process.
3. Council may choose to require a public information meeting.

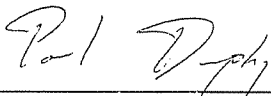
ATTACHMENTS

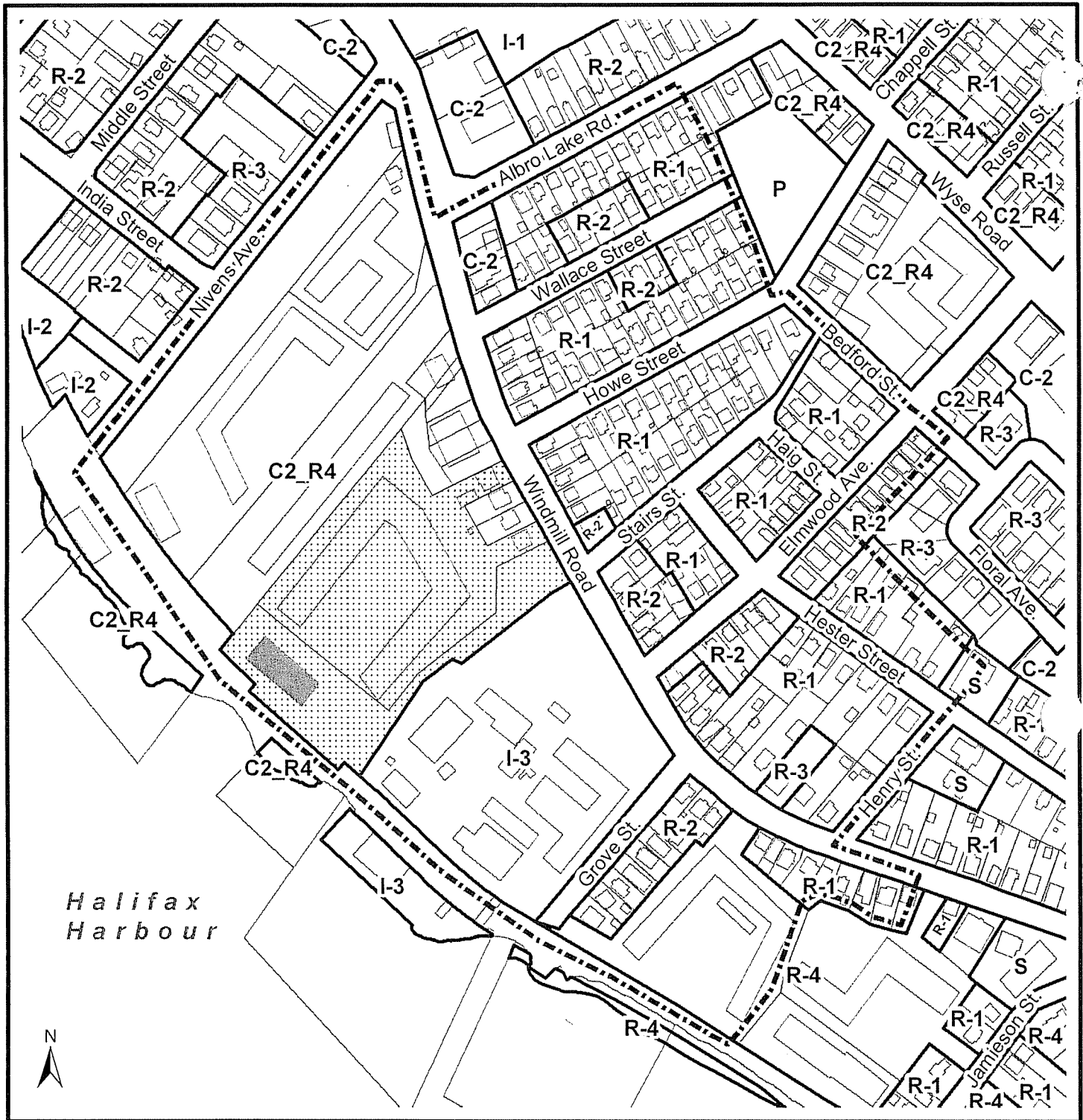
- Map 1 Location and Zoning
- Map 2 Generalized Future Land Use
- Map 3 Proposed Future Land Use Map 9U
- Attachment A Excerpts from the Dartmouth Municipal Planning Strategy
- Attachment B Excerpts from the Regional Municipal Planning Strategy

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/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: David Lane, Senior Planner, 490-5593




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

Report Approved by: 
Paul Dunphy, Director of Community Development



Map 1 - Location and Zoning

249 Windmill Road & Adjacent Lands
Dartmouth

-  Subject Lands
-  Area of notification
-  Proposed Building

Dartmouth Plan Area

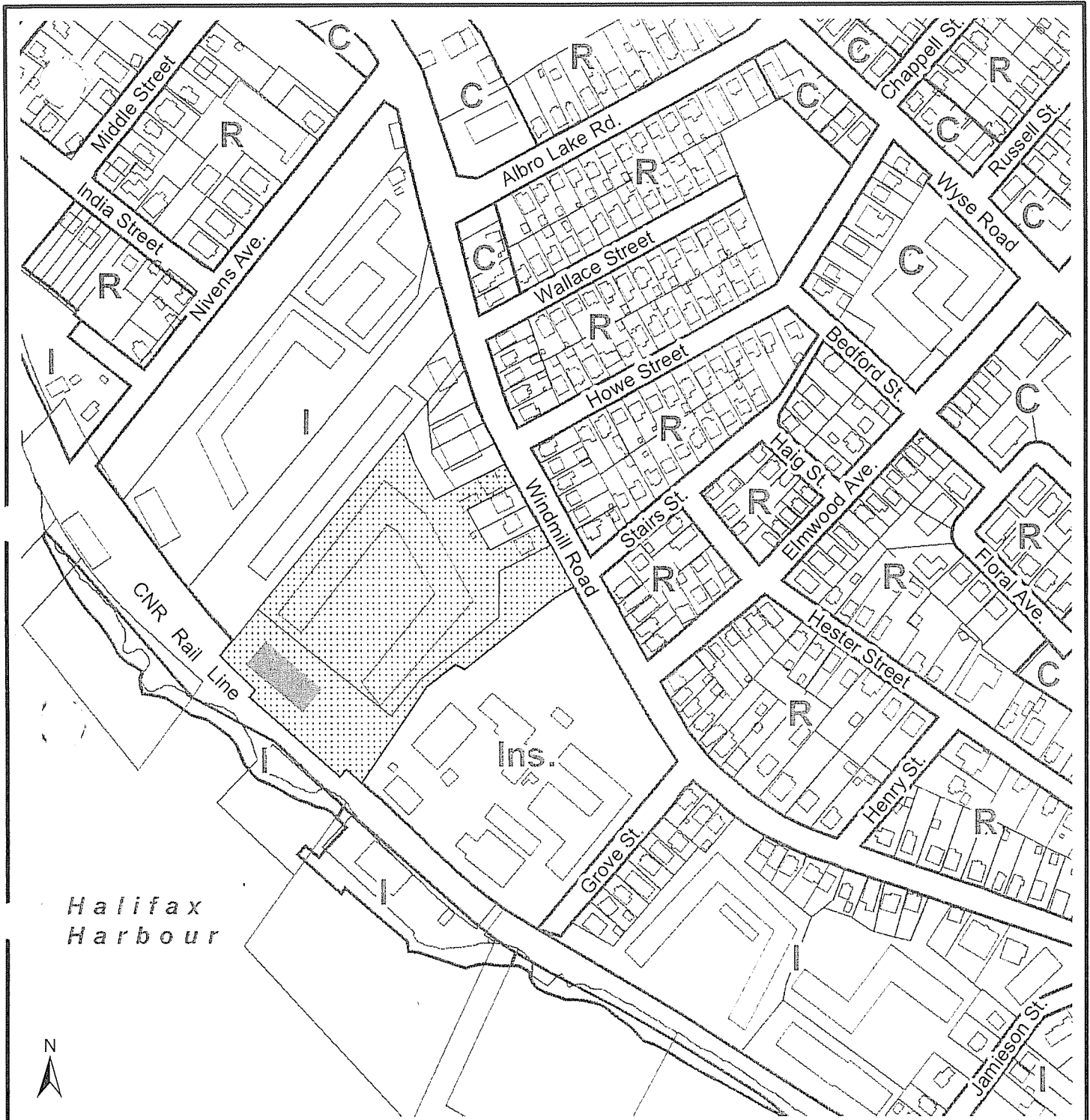
Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- R-4 Multiple Family Residential (High Density)
- C-2 General Business
- I-1 Light Industrial
- I-2 General Industrial
- I-3 Harbour Oriental Industrial
- P Park
- S Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area.


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Map 2 - Generalized Future Land Use


249 Windmill Road & Adjacent Lands
Dartmouth

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Subject Lands

Designation

- R Residential
- C Commercial
- Ins. Institutional
- I Industrial

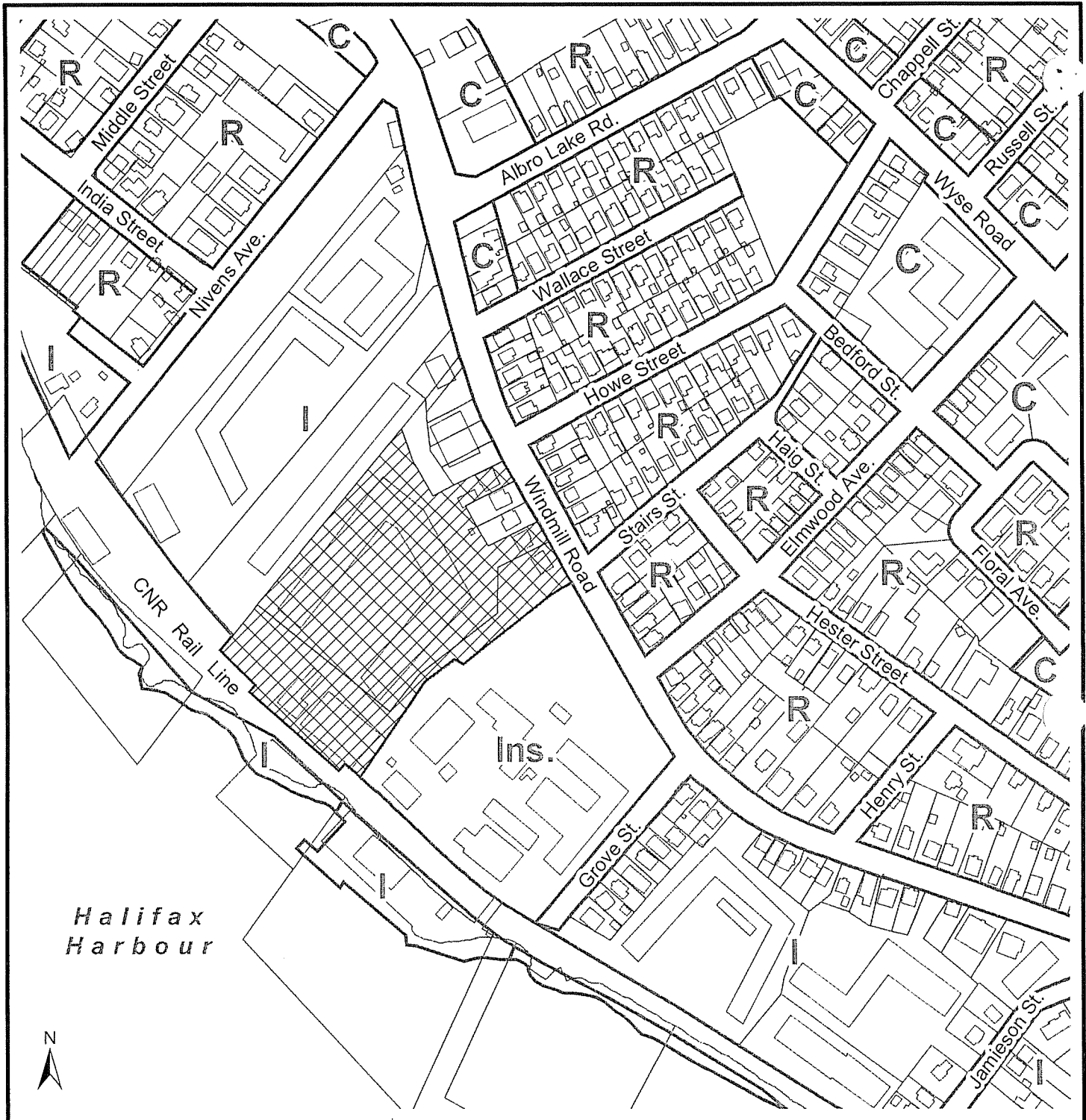
 Proposed Building

Dartmouth Plan Area



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area


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



Map 3 Proposed Future Land Use Map 9U

249 Windmill Road & Adjacent Lands
Dartmouth

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Designation Change from Industrial to Residential

Designation

- R Residential
- C Commercial
- Ins. Institutional
- I Industrial



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area.

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

Dartmouth Plan Area

Attachment A
Excerpts from the Dartmouth Municipal Planning Strategy

IMPLEMENTATION

Policy IP-5

It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;
- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (I) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;
 - (ii) traffic generation, access to and egress from the site; and
 - (iii) parking;
- (c) adequacy or proximity of schools, recreation areas and other community facilities;
- (d) adequacy of transportation networks in, adjacent to, and leading to the development;
- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;
- (f) that mature trees and other natural site features are preserved where possible;
- (g) adequacy of buffering from abutting land uses;
- (h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and
- (i) the Land Use By-law amendment criteria as set out in Policy IP-1©.
(As amended by By-law C-692, Dec. 4, 1991).

Policy 1P-1

(b) Generalized Land Use

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. *Deleted-Reg. Council-July11/2000, Effective-Sept2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).*

Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983, By-law C-493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul.,1984).

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

(c) In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (I) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas

- (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
- (I) type of use, density, and phasing
 - (ii) emissions including air, water, noise
 - (iii) traffic generation, access to and egress from the site, and parking
 - (iv) open storage and landscaping
 - (v) provisions for pedestrian movement and safety
 - (vi) management of open space, parks, walkways
 - (vii) drainage both natural and sub-surface and soil-stability
 - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors
- (8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
- (I) Council with a clear indication of the nature of proposed development, and
 - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community
- (10) 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. (RC-Jul 2/02;E-Aug 17/02)

Table 4								
Reserve	Urban Core	Institutional	Park & Open Space	Industrial	Commercial	Residential	← General Land Use Classification Land Use ↓	
●	<i>Deleted-Reg. Council-July 11/2000, Effective-Sept 2/2000</i>				●	●	Single	
●					●	●	Duplex	
						●	●	Low Density Multiple
						●	●	Medium Density Multiple
						●	●	High Density Multiple
						●	●	Mobile Homes
					●	●	●	Neighbourhood Con. Stores
					●	●	●	Home Occupations
					●	●	●	Retail Trade
					●	●	●	Service Commercial
					●	●	●	Regional Commercial
					●	●	●	Local Office
				●	●	●	●	General Office
					●	●	●	Tourist Commercial
					●	●	●	Warehousing/Distribution
					●	●	●	Light Industrial
					●	●	●	Harbour Oriented Industrial
					●	●	●	General Industrial
			●	●	●	●	●	Local Parks/Rec. Facilities
●			●	●	●	●	●	District Parks/Rec. Facilities
●		●	●	●	●	●	City Parks/Rec. Facilities	
●		●	●	●	●	●	Regional Parks & Facilities	
●		●	●	●	●	●	Watershed	
●		●	●	●	●	●	Environmental Protection Area	
●		●	●	●	●	●	Local Institutional	
●		●	●	●	●	●	City/Regional Institutional	
●		●	●	●	●	●	Utilities	

Attachment B
Excerpts from the Regional Municipal Planning Strategy

5.2 HALIFAX HARBOUR

5.2.1 Halifax Harbour Designation

Halifax Harbour is the heart of HRM and one of our most important assets. It is critical to the role of HRM as an international gateway, and is a major contributor to the economic base of HRM, the Province and the Atlantic region. The Harbour is also a key feature in defining our identity and our culture and is an important environmental ecosystem, supporting a diversity of plant and animal life.

A wide variety of activities and land uses occur in Halifax Harbour. The Harbour is the second largest natural ice-free port in the world and a globally-competitive shipping hub. It hosts two world-class container terminals, general cargo operations, ship building and repair facilities, off-shore oil and gas facilities, headquarters for the East Coast Navy and Coast Guard and a burgeoning cruise ship industry. The Harbour is a major multi-modal transportation hub and is eastern Canada's gateway for freight movement. In addition, the waters and shoreline of Halifax Harbour provide opportunities for many recreational activities and special events along with its extensive parks and trail systems, contributing to HRM's growing tourism industry. The harbourfront is also becoming a desirable place to live, with a growing interest in developing lands for residential purposes.

EC- 6 HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway parallelling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.

5.2.2 Regional Plan Amendments for Areas Within the Halifax Harbour Designation

In conjunction with the formulation of this Plan, Council also initiated a planning process for Halifax Harbour. This Plan supports the completion of this comprehensive planning process to provide Council, the public and stakeholders with a long range vision to guide decision making. Preliminary recommendations contained in a report entitled "Planning Strategy for Halifax Harbour - Preliminary Recommendations"¹ were endorsed by Council and used as a basis to conduct further analysis and consultation.

¹ HRM. Staff report to Regional Council: *Planning Strategy for Halifax Harbour*. July 13, 2004. Halifax.

Once the Halifax Harbour planning process is completed, HRM will amend this Regional Plan with a new set of policies that will provide more specific guidance for future land uses and investment within the Halifax Harbour Designation.

The major purpose of the Halifax Harbour planning process is to achieve a sustainable balance among the variety of land uses in the Harbour, including marine-dependent industrial/commercial, transportation, residential, recreational, institutional uses and environmental improvement and protection. The preservation of existing and future opportunities that support the continued economic vitality of the Port of Halifax is of critical importance. This includes marine dependent uses such as our military and coast guard facilities, container terminals, energy producers and support facilities, general bulk cargo facilities, ship manufacturing and repair and cruise ship facilities, plus the transportation linkages to support these installations. Careful attention must be paid to the juxtaposition of marine dependent operations with adjacent existing or future residential development, such that potential negative impacts are minimized. Also of high importance is the continued planning and implementation of further waterfront trail and parkland development, with the objective of establishing a contiguous active transportation route encircling the whole of Halifax Harbour, including linkages to inland trail systems, transit nodes and adjacent residential neighbourhoods. With the realization of Harbour Solutions, increased attention will be paid to opportunities that will further improve the environmental quality of the harbour, through inland watercourse protection, source control strategy and marine habitat restoration initiatives

EC-7 HRM shall prepare an amendment to this Plan for the area defined by the Halifax Harbour Designation on the Generalized Future Land Use Map (Map 2). The purpose of this amendment shall be to provide specific policies and implementation mechanisms which strive to achieve a sustainable and integrated balance among the various land uses around Halifax Harbour, including marine dependent uses, transportation infrastructure, recreational uses, residential uses, institutional uses, and environmental improvement and protection.

EC- 8 Further to Policy EC-7, Council shall use the following guidelines in preparing detailed policies for the area within the Halifax Harbour Designation:

(a) Working Harbour - Marine Industrial/Marine Commercial Uses

(I) reserve sufficient harbour frontage and harbourfront lands for marine-dependent industrial/commercial development, for the Port of Halifax to remain a globally competitive seaport (refer to Appendix E and Map 9);

(ii) develop regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial/commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses; and

- (iii) discourage new residential development from locating in areas that abut sites designated for intensive marine industrial/marine commercial uses.
- (b) Transportation Infrastructure
 - (I) in coordination with HRM's Economic Development Strategy and in partnership with senior levels of government and economic development stakeholders, participate in initiatives that will strengthen the Port of Halifax as an economic growth centre, for example, to provide improved inter-modal transportation efficiency and the highest possible level of freight service to the Port of Halifax, and further exploring the potential for making Halifax a home port for the cruise ship industry (refer also to section 5.4); and
 - (ii) proceed with detailed feasibility studies and implementation of a phased high-speed ferry network within Halifax Harbour, such systems to be integrated with land-based transit systems and active transportation opportunities (refer also to Chapter 4).
- (c) Recreational Uses
 - (I) facilitate, support, plan and develop new parks and trail systems in appropriate locations within the Halifax Harbour Designation (refer to Appendix E and Map 9) including linkages to inland park/trail systems and seek to secure or acquire appropriate waterfront sites for parkland and trail development;
 - (ii) integrate trail systems with existing and planned transit corridors and terminals, and to residential neighbourhoods adjacent to the Halifax Harbour Designation;
 - (iii) design and develop alternate trail routes around marine industrial operations where safety or security reasons so require;
 - (iv) achieve maximum public access to harbourfront locations while respecting international security regulations for port facilities and operations; and
 - (v) encourage uses which promote the social and cultural assets which Halifax Harbour provides, to the benefit of both residents and tourists.
- (d) Residential Uses
 - (I) identify appropriate locations within the Halifax Harbour Designation that are suitable for multi-unit or mixed use residential development (refer to Appendix E and Map 9);

- (ii) establish appropriate regulations for site and building development and appropriate planning approval processes for residential development;
 - (iii) ensure that any residential development proposals abutting Halifax Harbour include provision for public access to the Harbour and trail/boardwalk development; and
 - (iv) discourage new residential development from locating in areas that abut existing and proposed marine industrial uses. Where residential development is proposed to locate in proximity to existing or proposed marine industrial uses, develop appropriate mitigation measures.
- (e) Marine Environment
- (I) identify significant environmentally sensitive areas and potential cultural heritage and archeological sites along the shores of Halifax Harbour, and determine appropriate protection or management mechanisms; and
 - (ii) anticipate impacts of climate change and weather events on the shoreline of Halifax Harbour.