



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1.3**

**Halifax Regional Council  
April 28, 2009**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

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

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Dan English, Chief Administrative Officer

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

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Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 7, 2009

**SUBJECT:** **Case 01248 - Cedar Street MPS Amendment and Development Agreement**

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**ORIGIN**

Application by M & Buddy Company Limited

**RECOMMENDATION**

It is recommended that Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to allow for a townhouse development at PID 00137273, a vacant lot within the block bounded by Cedar, Henry, Jubilee, and Robie Street, Halifax; and
2. Request staff to follow the public participation program as approved by Council in February 1997.

## **BACKGROUND**

The subject property (PID 00137273) is comprised of a house facing Cedar Street and a large vacant area of approximately 29,000 square feet (Map 1). With a second access off Henry Street, the lands have been used by surrounding residents for vehicular parking and as an access to rear yards.

The property has been the subject of numerous controversial development proposals and zoning changes over several decades. Most recently, in 2003, there were site-specific policies and regulations adopted by Council that allow the property to be used as a single detached dwelling as-of-right while new uses are limited to those permitted under the R-2 Zone through the development agreement process (Attachment A). These amendments were adopted in response to a proposal to establish a relatively large dwelling with a substantial number of bedrooms (a quasi-rooming house) pursuant to the as-of-right allowances of the Land Use By-law.

M & Buddy Company Limited now propose to amend the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to allow four townhouses on the vacant site and an addition to the existing house, reducing the number of dwelling units within it from 3 to 2 units, by development agreement. In addition, parking and access for surrounding residents is to be provided. M & Buddy have held meetings with these residents and believes it has the sufficient support in which to proceed with this application. Townhouses are not a permitted use in the R-2 Zone and therefore this form of development can only be considered with an amendment to the Halifax Municipal Planning Strategy.

## **DISCUSSION**

One of the matters for Council to consider in response to a request to amend a municipal planning strategy is whether there has been a change in circumstance. In this case one change is the very development being proposed for the site, that being low density townhouses (see Attachment A). If the developer is successful in alleviating many of the concerns that have been raised by surrounding residents about the form of development and the provision of parking and access, this will conclude a decades-long neighbourhood development issue.

A second change in circumstance are the present land use by-law controls that specify how many bedrooms may be contained within a house in low density areas of Halifax Peninsula. These amendments address many of the concerns that were apparent when the quasi-rooming house proposal for the property led to the current site-specific policies and regulations.

By initiating this municipal planning strategy process, Council will be able to assess the merits of M & Buddy's proposal through a neighbourhood consultation process.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this application can be accommodated within the proposed 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 could decide to initiate amendments to the Halifax Municipal Planning Strategy and Land Use By-law. This is recommended alternative.
2. Council could decide not to initiate amendments to the Halifax Municipal Planning Strategy and Land Use By-law. This is not recommended as there has been a change in circumstance that warrants consideration.

**ATTACHMENTS**

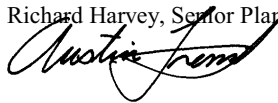
Map 1

Attachment A MPS Policy for Subject Property

Attachment B Proposal Drawings

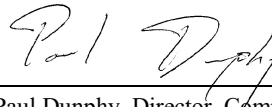
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Senior Planner, 490-5637



Report Approved by:

\_\_\_\_\_  
Austin French, Manager, Planning Services, 490-6717




Report Approved by:

\_\_\_\_\_  
Paul Dunphy, Director, Community Development



**Map 1 - Location and Zoning**

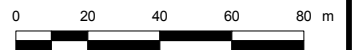
6038 & 6040 Cedar Street  
Halifax

 Subject Property

**Zone**

- R-2 General Residential
- R-3 Multiple Dwelling
- P Park and Institutional

Halifax Peninsula  
Land Use By-Law Area



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.

**Attachment A - MPS Policy for Subject Property**

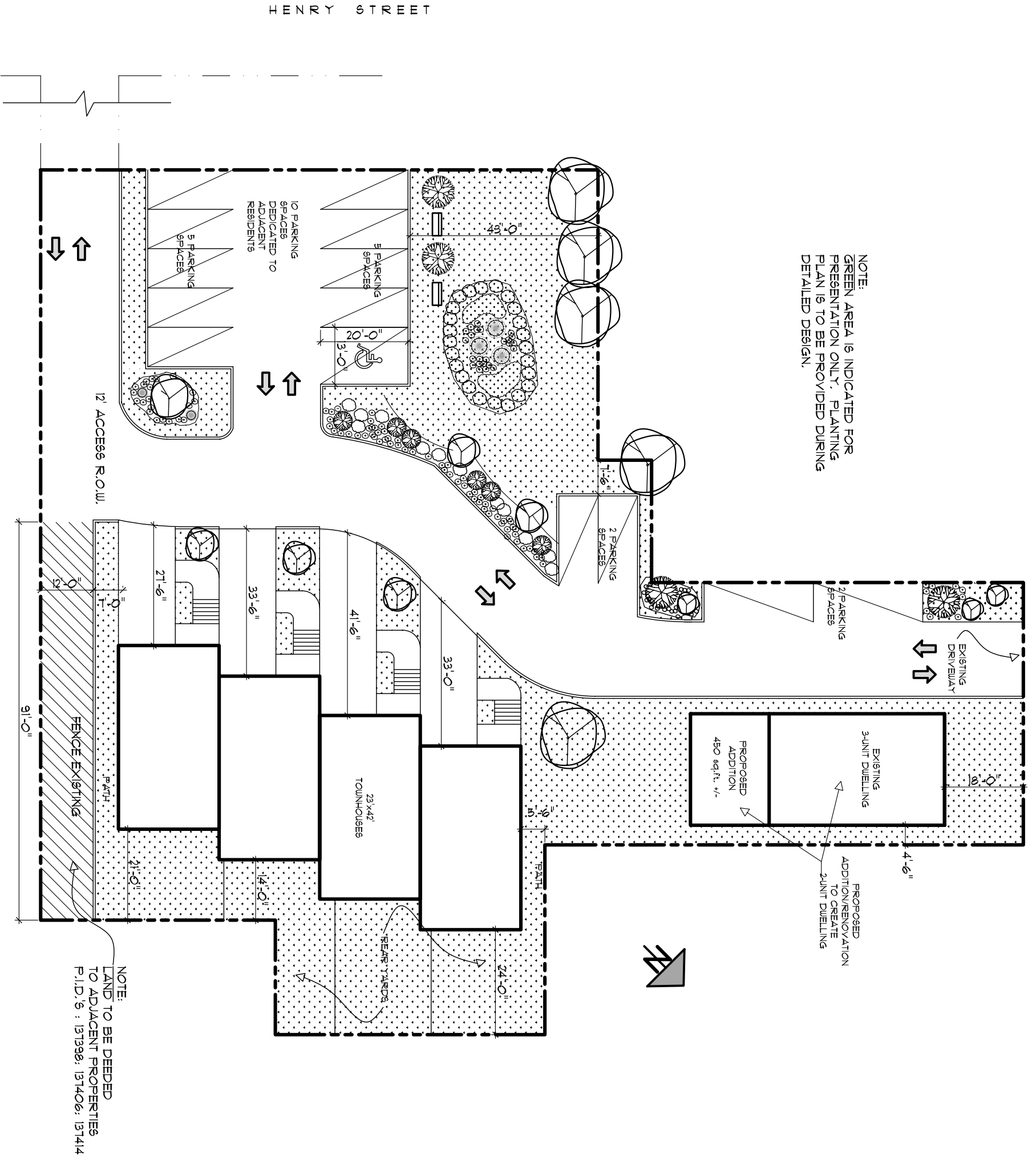
1.5.5 Because of the unique configuration of the property designated medium-density on the Future Land Use Map of this Plan and identified as P.I.D. 00137273 Cedar Street and its relationship to abutting properties, no development, other than a detached single unit dwelling, shall be permitted, except by development agreement.

1.5.5.1 Any development permitted pursuant to Policy 1.5.5 shall:

- (a) be limited to those uses permitted by the R-2 General Residential Zone;
- (b) meet the provisions of the R-2 General Residential Zone of the land use by law; and
- (c) be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:
  - (i) land use;
  - (ii) architectural design;
  - (iii) scale, height and massing of the building;
  - (iv) population density;
  - (v) lot size, lot frontage, setback, lot coverage and open space;
  - (vi) adequacy of the servicing capacity
  - (vii) the location and amount of parking provided;
  - (viii) accesses to the site and building;
  - (ix) site landscaping including buffering; and
  - (x) building materials

# Attachment B - Proposal Drawings

NOTE:  
GREEN AREA IS INDICATED FOR  
PRESENTATION ONLY. PLANTING  
PLAN IS TO BE PROVIDED DURING  
DETAILED DESIGN.



NOTE:  
LAND TO BE DEEDED  
TO ADJACENT PROPERTIES  
P.I.D.'S : 131398; 131406; 131414

NO.	DATE	DESCRIPTION
2	FEB 12/09	UPDATED FOR HRM COMMENTS
1	FEB 4/09	UPDATED STMA/SANW ENTRANCE

**WM FARES**  
 GROUP  
 ARCHITECTS | ENGINEERS | PLANNERS  
 505 Provincial Drive  
 Suite 200  
 North York, Ontario  
 M2N 6K6  
 Tel: (416) 491-4878  
 Fax: (416) 491-4879  
 www.wmfares.com

PROPOSED:  
**6038 Cedar Street**  
 TITLE:  
 PROPOSED SITE  
 DEVELOPMENT PLAN

SCALE:	NTS
DRAWN:	STAFF
CHECKED:	
DATE:	JULY 25, 2008
PROJECT:	2007-14
SHEET:	<b>SD1</b>



Attachment B - Proposal Drawings

\* Colour scheme is preliminary

FILE LOCATION: LOCATION:

**DESIGN NOTES:**  
 All prints and specifications related to this project are the property of WMFARES GROUP. Design must not be reproduced, copied, or used for construction purposes without the approval of the design Professional in writing. This drawing must not be scaled. The contractor must check and verify all dimensions and specifications against actual project and site conditions, and report any discrepancies to the designer before proceeding with the work.  
 The designer (s) will not be responsible whatsoever for any changes in design and/or construction materials on site, without his/her written consent from the designer.  
 The designer reserves the right to conduct periodic site reviews during the construction process to ensure conformance with the design and applicable NBCC and Municipal Bylaws and regulations.

**PROJECT:**  
**CEDAR STREET TOWNHOUSES**  
 HALIFAX, NOVA SCOTIA

**CONSULTANT:**  
  
 ARCHITECTS | ENGINEERS | PLANNERS

**CONSULTANT:**

**STAMP:**

NO.	REVISION	DATE

**SHEET TITLE:**  
**TOWNHOUSE PERSPECTIVE #1**

SCALE:	DATE:
NOT TO SCALE	JANUARY 2008
DRAWN: D.C.	ISSUE FOR:
CHECKED: D.C.	SHEET NO.
PROJECT NO. 2007-14	<b>A1</b>