



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.7

**Halifax Regional Council
October 27, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

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

Dan English, Chief Administrative Officer

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

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 6, 2009

SUBJECT: **Case 01325, MPS and LUB Amendments for 5454 Kaye Street /
5455 Russell Street, Halifax**

ORIGIN

Application by ECL General Partner IV Limited

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to permit an 11 storey mixed use building at 5454 Kaye Street / 5455 Russell Street, the site of the former St. Joseph's Church, by development agreement; and
2. Direct staff to follow the public participation program approved by Council in February 1997.

BACKGROUND

The property of the former St. Joseph's Church is located on the east side of Gottingen Street, between Russell Street and Kaye Street. The original St. Joseph's Church was established on the site in 1867, but destroyed in the Halifax Explosion of 1917. A new church building was constructed in stages over several decades and was eventually completed in 1961.¹ Following a rationalization of property holdings, the Church was closed in June 2006 and the property was sold to ECL General Partner IV Limited. The Church building was demolished this past Summer and the property is currently vacant.

HRM's planning policies and zoning regulations for the property reflect its longstanding use. It is within an Institutional District and consequently zoned P (Park and Institutional), which limits land use to institutional activities. This district designation and zone includes the neighbouring property of St. Joseph's - A. MacKay School, a former convent (now an apartment building) at 5355 Russell Street, and the Shambhala School, immediately across Russell Street (Maps 1 and 2).

ECL proposes that HRM amend the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law. It is asking that HRM adopt new policies and regulations that would allow for the development of an 11 storey residential building with commercial uses and townhouse-form residential uses on the ground floor, to be approved by development agreement (Attachment A - Building Plans).

DISCUSSION

When assessing a request to amend a municipal planning strategy, Council should consider if there has been a change in the circumstances from the time when the existing planning policies were originally devised. In this case, the Institutional District and the P Zone originally recognized the use of the property as a church. With its closure, circumstances have undoubtedly changed.

Although the Institutional District and P Zone apply to surrounding properties, the area is largely comprised of Residential District and Commercial District designations. ECL's proposal for the site has merit on the basis that:

- The property is flanked by three streets, with Gottingen being a major street, which is a circumstance in which larger scale developments are often appropriate;
- There are no low-density residential uses abutting the property that may cause compatibility concerns;
- The size and design of the building does not create shadows upon public spaces or significantly increase shadowing upon existing properties in comparison to the previously existing church; and

¹www.halifaxhistory.ca/StJosephs.htm

- The ground floor commercial uses and townhouse style units create a desirable public-private interface with adjoining sidewalks.

ECL's submission about the merits of their project is attached to this report (Attachment B - Application Letter).

The proposed building is not consistent with many of the R-3 (Multiple Dwelling) Zone standards for apartment buildings, including angle controls (controls over setbacks and the height of buildings relative to property boundaries), density requirements (number of persons per acre), and open space specifications. However, given the site's unique attributes that have been outlined above, it should reasonably be able to support a larger building and as a consequence, a greater population than that which is normally permitted. It is also close to public parks, including Hydrostone Park and Fort Needham, which also reduces the need for private open space. Adopting specific policies for the property and requiring that the project be approved by development agreement allows Council to recognize the individual attributes of the site and exercise a greater degree of the control over the design of the project than what can be achieved with an as-of-right approval.

There may be concern about the height of the proposed building, given that it will be greater than other buildings in the surrounding area. In neighbourhood areas such as this one where there are a variety of building heights, the impact of a taller building upon its surroundings can often be suitably addressed by setbacks and variations in building form. Should Council decide to initiate the amendment process to further consider ECL's application, the measure of success that the proposed building has in responding to its surroundings will be gauged through the public participation process and with further review of the project.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310. Budget availability has been confirmed by Financial Services.

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 a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-law. This is the staff recommendation.

2. Council may choose to pursue policy amendments that differ from those that are outlined in this report.
3. Council may choose to refuse to initiate amendments to the Halifax Municipal Planning Strategy, thus retaining the Institutional District designation and P Zone on the property.

ATTACHMENTS

Map 1 - Generalized Future Land Use

Map 2 - Location and Zoning

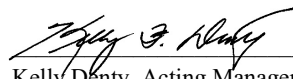
Attachment A - Building Elevations

Attachment B - Application Letter

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.

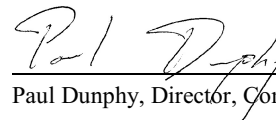
Report Prepared by: Richard Harvey, Senior Planner, 490-5637

Report Approved by:

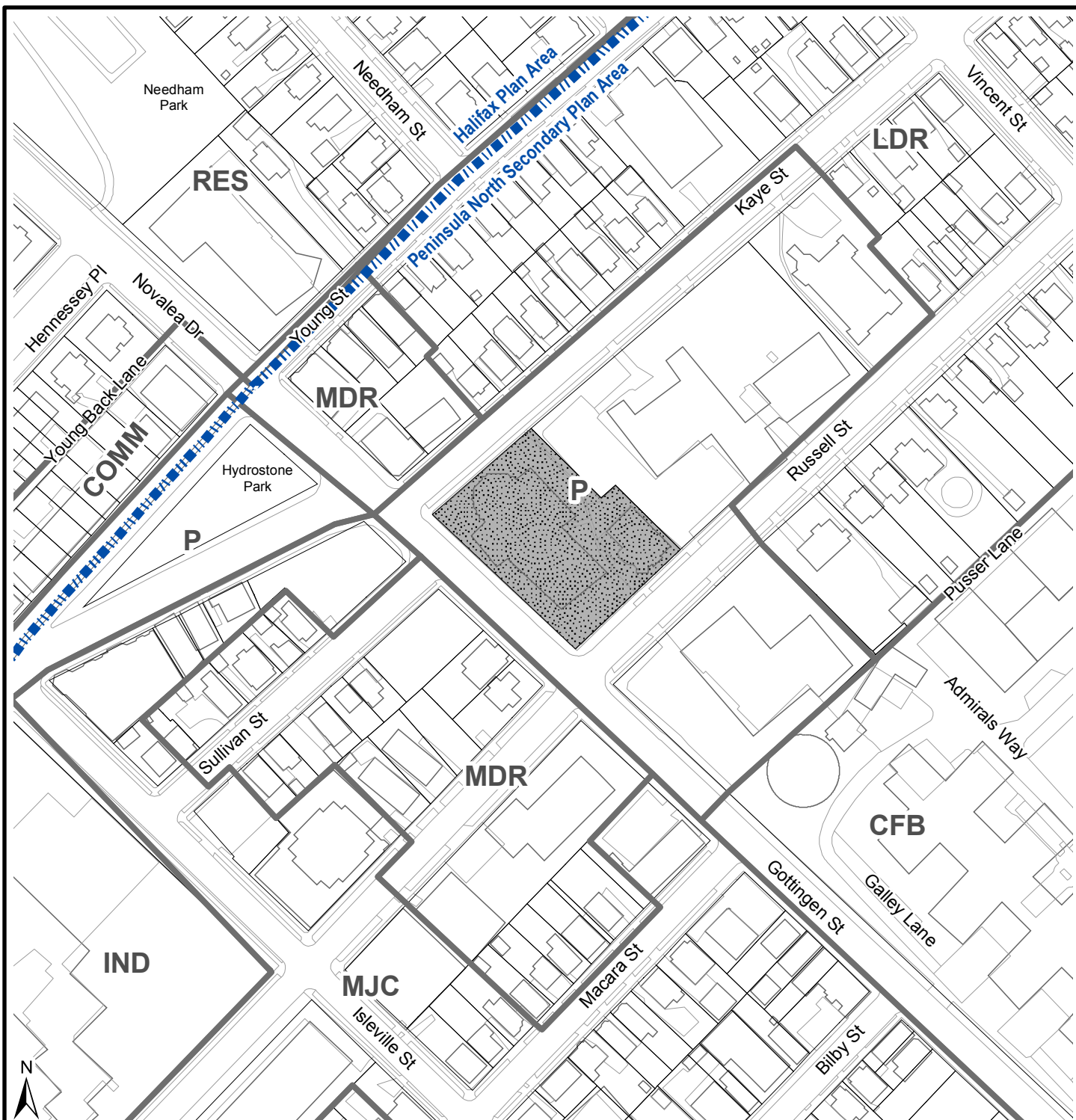


Kelly Denty, Acting Manager of Planning Services, 490-6011

Report Approved by:



Paul Dunphy, Director, Community Development



Map 1 - Generalized Future Land Use

5454 Kaye Street and
5455 Russell Street
Halifax

 Subject area

Halifax Plan Area
Peninsula North Secondary Plan Area

Designation - Halifax Plan Area

RES Residential Environments
COMM Commercial

Designation - Peninsula North SPS

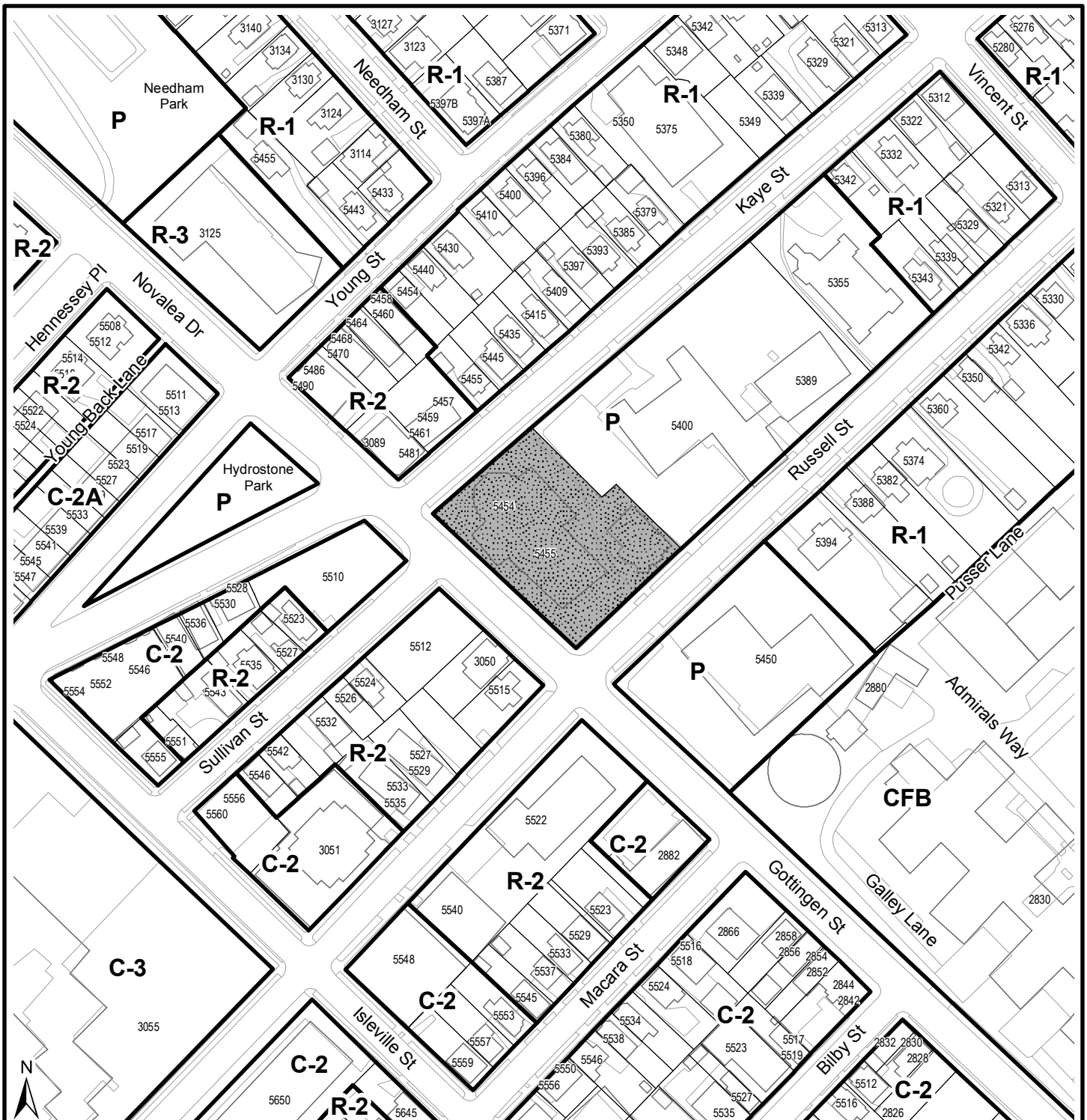
LDR Low Density Residential
MDR Medium Density Residential
MJC Major Commercial
P Park and Institutional
IND Industrial
CFB Canadian Forces

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m


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

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



Map 2 - Location and Zoning

5454 Kaye Street and
5455 Russell Street
Halifax

 Subject area

Halifax Peninsula
Land Use By-Law Area

Zone

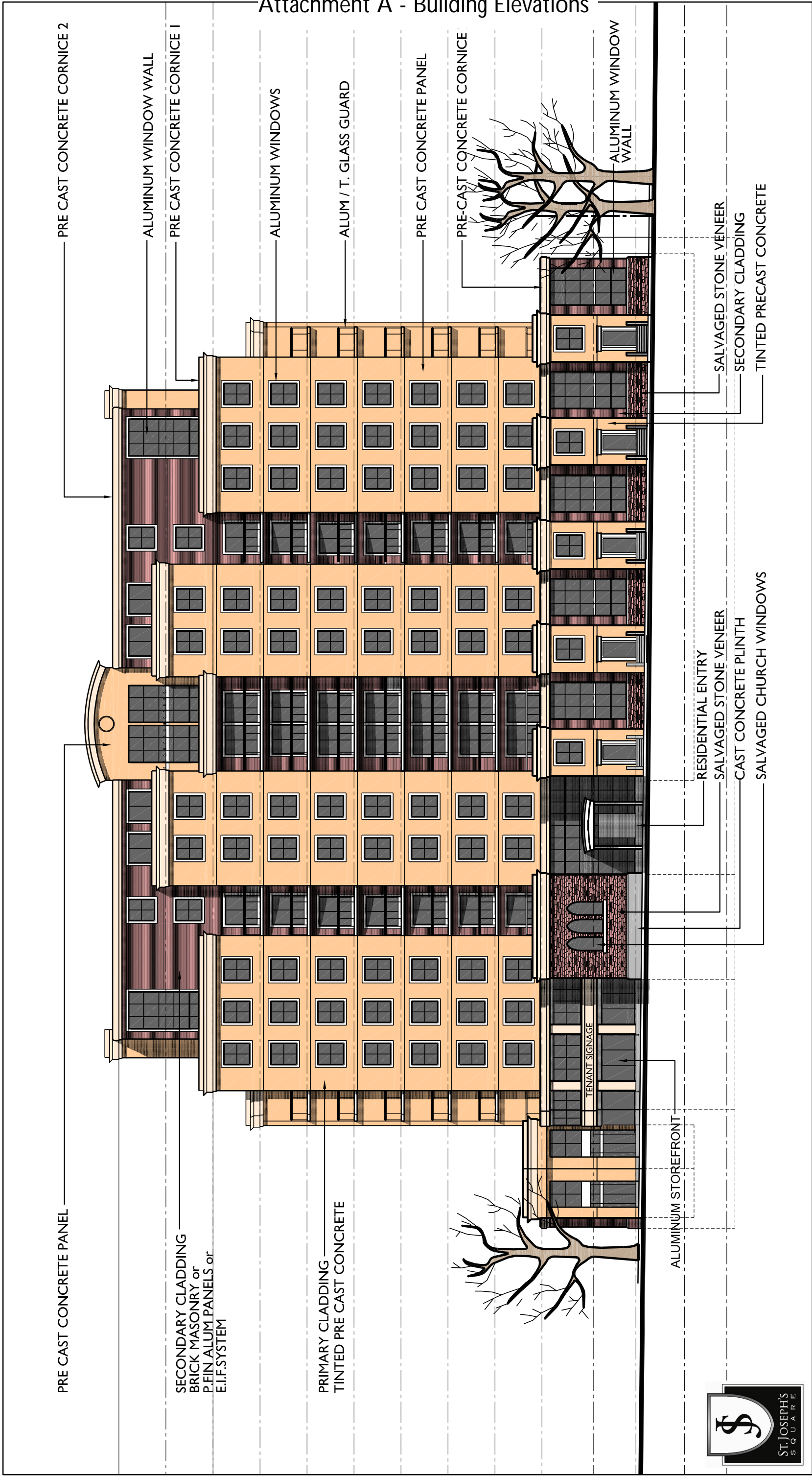
R-1	Single Family Dwelling
R-2	General Residential
R-3	Multiple Dwelling
C-2	General Business
C-2A	Minor Commercial
C-3	General Industrial
CFB	Canadian Forces
P	Park and Institutional

HALIFAX
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COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m


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

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Attachment A - Building Elevations

ST. JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

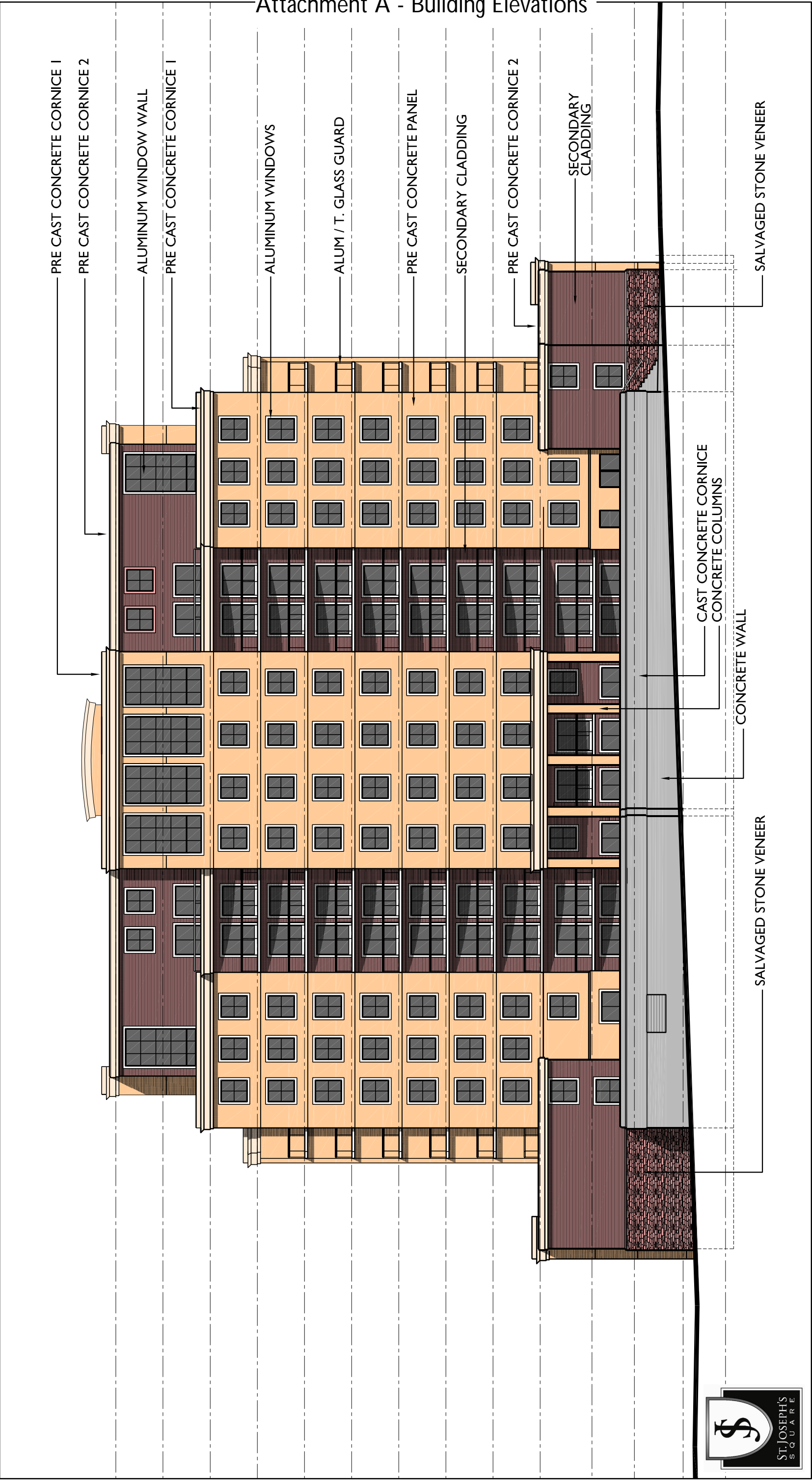
GOTTINGEN STREET ELEVATION



KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX N.S., B3K 1B6 (902) 422-1557

1" = 20'-0"
Aug 13, 2009



Attachment A - Building Elevations

ST. JOSEPH'S SQUARE CONDOMINIUMS

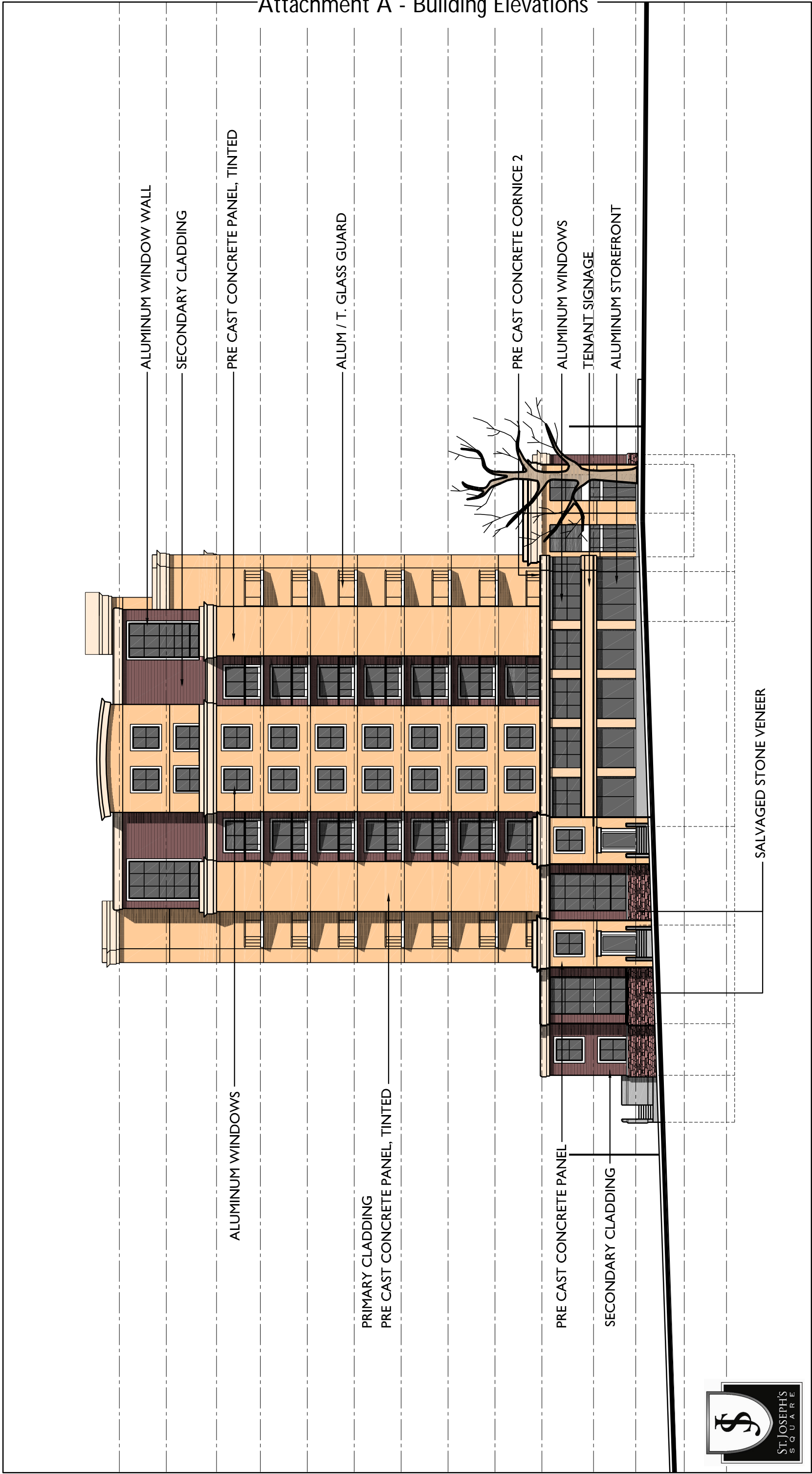
GOTTINGEN STREET, HALIFAX NS

EAST ELEVATION

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX N.S., B3K 1B6 (902) 422-1557

1" = 20'-0"
Aug 13, 2009



Attachment A - Building Elevations

ST. JOSEPH’S SQUARE CONDOMINIUMS
GOTTINGEN STREET, HALIFAX NS

KAYE STREET ELEVATION



KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX N.S., B3K 1B6 (902) 422-1557

1" = 20'-0"
Aug 13, 2009



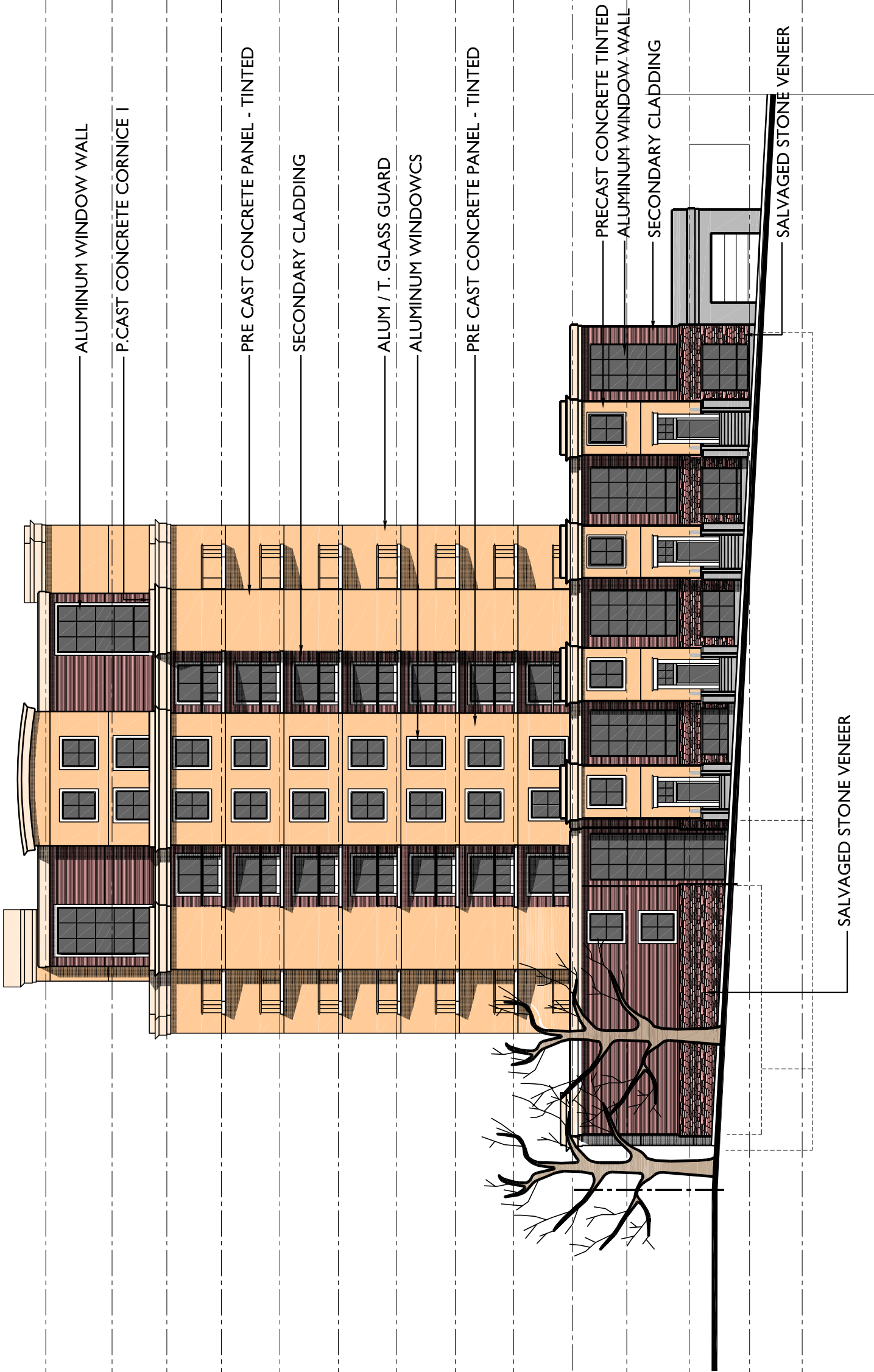
KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX N.S., B3K 1B6 (902) 422-1557

ST. JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

RUSSELL STREET ELEVATION



Attachment A - Building Elevations

1" = 20'-0"
Aug 13, 2009

Attachment B - Application Letter



August 14, 2009

Halifax Regional Municipality
Planning & Development Services
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

ATTENTION: **Mr. Richard Harvey, Planner II**

Dear Mr. Harvey:

**RE: Site Specific MPS Amendment/
Development Agreement Application
5455 Russell Street/5454 Kaye Street
Peninsula North Planning District
Halifax, Nova Scotia**

Please accept this letter, along with the attached application form, supporting documents, and \$2,500.00 processing fee for a Site Specific Municipal Planning Strategy Amendment, and Development Agreement Application for the properties known as 5454 Kaye Street, and 5455 Russell Street to permit the construction of an eleven storey mixed use commercial/residential building.

As the former use of the property was a Church, the property is zoned and designated Park and Institutional in the Land Use By-Law for Peninsula North, and designed Park and Institutional in the Municipal Planning Strategy, and will require a Site Specific Municipal Plan Amendment for any development other than an Institutional Use.

The subject site is a corner lot with frontage on Gottingen Street, Russell Street and Kaye Street. It is in close proximity to the Hydrostone shops, transit service, schools and nearby parks. It is a fully sustainable redevelopment site that will utilize existing infrastructure, and is located in area that will make walking and transit appealing.

Attachment B - Application Letter

Mr. Richard Harvey, Planner II

August 14, 2009

Page 2

In close vicinity of our site, there are multi-unit buildings on the west side of Gottingen Street, a deli and small multi-unit building to the north, and schools to the east and south sides. The site is also close to CFB Stadacona, Fort Needham Memorial Park, and the Halifax Explosion Monument.

The lands to the north are designated Medium Density Residential, to the east Park and Institutional, to the south Park and Institutional, adjacent to CFB Stadacona, and to the west, Medium Density Residential and Major Commercial. To help visualize the effect of St. Joseph's Square on the surrounding neighbourhood, we have included Kassner/Goodspeed Architects' 3-D Site Model depicting St. Joseph's Square on the subject site from three different views.

We were attracted to this site because of its visual prominence, unique design opportunities, and sustainable location. With road frontage on three different streets, we were able to give St. Joseph's Square a frontal design on Gottingen Street, Russell Street, and Kaye Street, while highlighting the entrance on Gottingen Street as the main entrance of the building. Two floors of underground parking will be provided for the residential and commercial. There will be no surface parking on the site.

It is our intention to attract a diverse target market including families with children to first time home buyers. The townhomes are intended for the families, but also allow for a consistent, human scaled street wall above which the building steps back. The windows and doors of the townhouses create visual interest, and a separate, low rise identity from the high rise tower. We are also proposing to dedicate a small area for neighborhood commercial uses that support family living.

This is truly an Opportunity Site for Sustainable Growth to occur on the Peninsula, and we look forward to working with the Municipality on this unique and exciting project.

Yours truly,



Virginia Bonn
Development Manager

Encls.