

Item No. 10.1.5

**Halifax Regional Council
January 26, 2010**

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: December 18, 2009

Subject: Case 15781, Pine St Extension Lands, Downtown Dartmouth

ORIGIN:

This report originates from a request by 3200892 Nova Scotia Limited to develop 4 parcels of land on Ochterloney Street and Pine Street Extension in Downtown Dartmouth.

RECOMMENDATION

It is recommended that Regional Council:

1. Authorize staff to initiate the process to consider amending the Municipal Planning Strategy for Downtown Dartmouth to designate the applicant's lands as an Opportunity Site;
2. Direct staff to follow the public participation program approved by Council in February 1997.

BACKGROUND

This case arises from an application by 3200892 Nova Scotia Limited to develop 4 parcels of land on Ochterloney Street and Pine Street Extension in Downtown Dartmouth. This case will address site specific MPS amendments.

The Applicant's Proposal:

The applicant holds three parcels of land on Pine Street Extension and one on Ochterloney Street in Downtown Dartmouth. Three are vacant, and one contains a vacant building, a former laundromat. These lands are shown on Map 1. The applicant has requested that the lands be designated an Opportunity Site under the area MPS. If designated, a development agreement application would then be submitted.

The applicant wishes to develop the lands for multi-residential and limited commercial uses. The development will consist of three buildings generally as follows:

- Low rise structure on the Ochterloney St parcel,
- High rise building on the largest Pine St Extension parcel,
- Mid rise building on the south side of Pine St Ext.

The applicant is also proposing, as part of the project, to undertake significant improvements to adjacent HRM-owned parkland that forms part of the parkland corridor known as the Canal Greenway, as shown on Map 1.

The Site:

Land Use Policy: Designated and zoned Downtown Business (DB) under the MPS and LUB for Downtown Dartmouth. (See maps 1 and 2)

Regional Plan

Context: Within the Capital District Secondary Designation. The largest of the applicant's four parcels is designated as an Opportunity Site within the Regional Centre.

Allowable Uses: As of right - The DB zoning allows a broad range of commercial and business uses, as well as residential buildings of up to 24 units. Development agreement - commercial uses or structures which exceed the requirements of the DB Zone can be considered through the development agreement process. Residential uses over 24 units per building can also be considered.

Building Scale and Height:

The Downtown Business District Zone allows complete lot coverage, and a building height of 5 stories to a maximum height of 70 feet (equivalent to 6-7 stories). Additional height is permitted for roof structures provided there is no habitable space within the roof. Buildings must step back from the street

above the 3rd floor. Structures exceeding this height may go through the development agreement process.

Opportunity Sites:

Downtown Dartmouth MPS: The MPS specifically targets four vacant or underutilised sites in the Downtown Business District designation for redevelopment, as shown on Map 3. Policy favours these sites for high density, higher rise construction. One additional opportunity site was identified in the Waterfront Designation, and five more within the Downtown Neighbourhood Designation. The subject lands on Pine St, though vacant at the time of the plan's adoption, were not targeted as an opportunity site due to the fact that a proposal for a major grocery store existed at the time.

Regional MPS: The Regional MPS identifies the largest of the applicant's 4 land parcels, the one acre former bowling alley lot on Pine Street Extension, as an Opportunity Site. These sites are seen as offering high potential for major redevelopment to foster the goals of emphasising and enhancing the Regional Centre and the Capital District as the vital core of HRM. A Functional Plan is to be prepared to address development for these designated sites. As well, Policy G-15 of the RMPS requires that secondary planning processes provide for medium to high density residential development on such sites identified in the plan.

Canal Greenway:

The applicant's lands are adjacent to the former Starr Manufacturing site and Shubenacadie Canal Corridor, which are owned by HRM, and known as the Canal Greenway. Map 1 shows the greenway corridor. Planning for the development of these lands as parkland with significant interpretive components is advancing, in partnership with the Shubenacadie Canal Commission. Given the subject site's relationship to the greenway, there exist opportunities for the municipality to partner with the developer for improvements to the public realm. Key components of the planning to date include:

- Archaeological investigations of remaining canal and industrial features;
- The Trans Canada Trail was recently extended for much of the length of the Starr site;
- A closure of Pine St Extension to create a continuous parkland corridor from Sullivan's Pond to the Portland/Alderney/Prince Albert Road intersection. A traffic statement prepared for HRM indicates the closure is feasible. Regional Council is required under the HRM Charter to hold a public hearing on any street closure; and
- Halifax Water will soon be issuing a Request For Proposals to examine options for the rehabilitation of the 9 foot diameter pipe that carries the stream from the Lake Banook-Lake MicMac watershed to the harbour. Consideration will be given to daylighting the stream under HRM's official Daylighting Policy as approved on Sept. 12, 2006, as well as provision for fish passage.

DISCUSSION

There are two matters for Council to consider in assessing either request to amend the MPS:

- 1) whether there has been a change in circumstance since the Plan was adopted, or
- 2) if there is a significantly different situation than what the Plan anticipated.

In terms of the applicant's lands, the first criteria appears to apply in the instance, as plans for this site have changed since the MPS was adopted. At the time of preparation and adoption of the downtown Dartmouth MPS, it was anticipated that a large retail commercial development would be constructed on the largest of the Pine St parcels. However, these plans never materialized. Given this change, an MPS amendment to designate the site as an Opportunity Site is justified.

New Opportunity Site:

The primary purpose of the Downtown MPS, adopted in 2000, was to serve as an impetus to redevelopment and revitalization. The MPS designated 4 "opportunity sites" within the Downtown Business designation, as shown on Map 3. These vacant parcels were specifically targeted as key, high profile sites for short term redevelopment. The intention was to spur revitalization of the commercial core by allowing greater density and building height to encourage such redevelopment. It was anticipated that other such sites may be identified through the MPS amendment process.

The applicant's largest parcel, the former bowling alley site, would also have been designated as an opportunity site had it been known that Sobeys plans would not proceed. Given that the Regional MPS identifies the largest of the applicant's parcels as an Opportunity Site, it is appropriate that the local MPS should also do so. The applicant's remaining 3 parcels, although much smaller in size, are also appropriate for designation as opportunity sites given their adjacent location and the fact that they too are vacant. It is appropriate to treat all parcels as one site to ensure the lands develop in a comprehensive and complementary manner.

In general terms, the MPS contemplates high rise buildings on the opportunity sites in the Business District. However, such high rise development on the four currently designated sites is limited in Policy B-8 where absolute height limits are stated due to their proximity to existing low density housing or viewplane limits. These range from 4 to 10 stories. For other sites added as opportunity parcels, such height limits may increase. The applicant's lands are not under the designated viewplanes and the size of the parcels and the more substantial separations from established low density housing provide an opportunity for more intensive development.

Proposal's Relationship to the Canal Greenway:

There is site specific MPS policy for the HRM-owned portions of the block, as well as for the former Greenvale School. This policy stresses the importance of properly relating the design of new development on these parcels to complement historical, architectural and natural features. The policy enabled approval of the 'Lock 4 at Starr' condo project in 2004, and the 'Greenvale Lofts' project in 2007. Since the applicant is proposing to undertake improvements to the adjacent HRM land, MPS policy should be revised to address the public lands together with the applicant's lands. This

would ensure that the development is complementary and that improvements to the public lands are carried out through the development agreement process. The Shubenacadie Canal Commission will be closely consulted as their mandate overlaps with HRM's on these lands.

Past Consultation under HRM By Design:

As part of HRM By Design, a broad consultation process was undertaken for the urban core area. The Regional Centre Urban Design Study (RCUDS) included Downtown Dartmouth, and there was considerable public input at a local workshop on development and design issues. This input, obtained in Phase 2 of the RCUDS in December 2006 provides an advanced starting point for considering MPS amendments for the applicant's lands. Attachment 1 provides an overview of the public recommendations from the Downtown Dartmouth/Dartmouth Cove forum and workshop, which in general terms envisioned:

- higher densities of residential development;
- the creation of landmark buildings;
- slender high rise/podium forms in the commercial area;
- concentrating residential development to the area of the applicant's lands;
- a need to create and animate public space along the Canal Greenway.

Conclusion:

The applicant's parcels merit consideration as Opportunity Sites within the downtown MPS. This would be consistent with the RMPS. Site specific policy is appropriate given the configuration of the lands and their relationship to the Canal Greenway. Initiating the amendment process will allow public input into designating the lands as an opportunity site and on the form of development and its relationship to the Canal Greenway. Staff recommend that Council initiate the process. If amendments for the subject lands are approved, a development agreement process would then be enabled for Harbour East Community Council to consider the specifics of a proposal.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the 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 processes as stated in this report. This is the recommended course of action.

2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended, as staff feels that there is merit for considering amendments as outlined in this report.

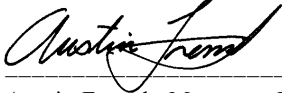
ATTACHMENTS

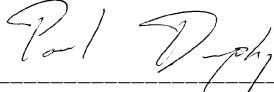
- Map 1: Location and Generalized Future Land Use
Map 2: Zoning
Map 3: Opportunity Sites in Downtown Business District

Attachment 1: Summary of Forum 2, Regional Centre Urban Design Study, Downtown Dartmouth

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mitch Dickey, Planner, Community Development, 490-5719



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

Report Approved by: 
Paul Dunphy, Director of Community Development



Map 1 - Location and Generalized Future Land Use

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-  Subject Lands
-  Canal Greenway Study Area

Downtown Dartmouth
Secondary Planning Strategy

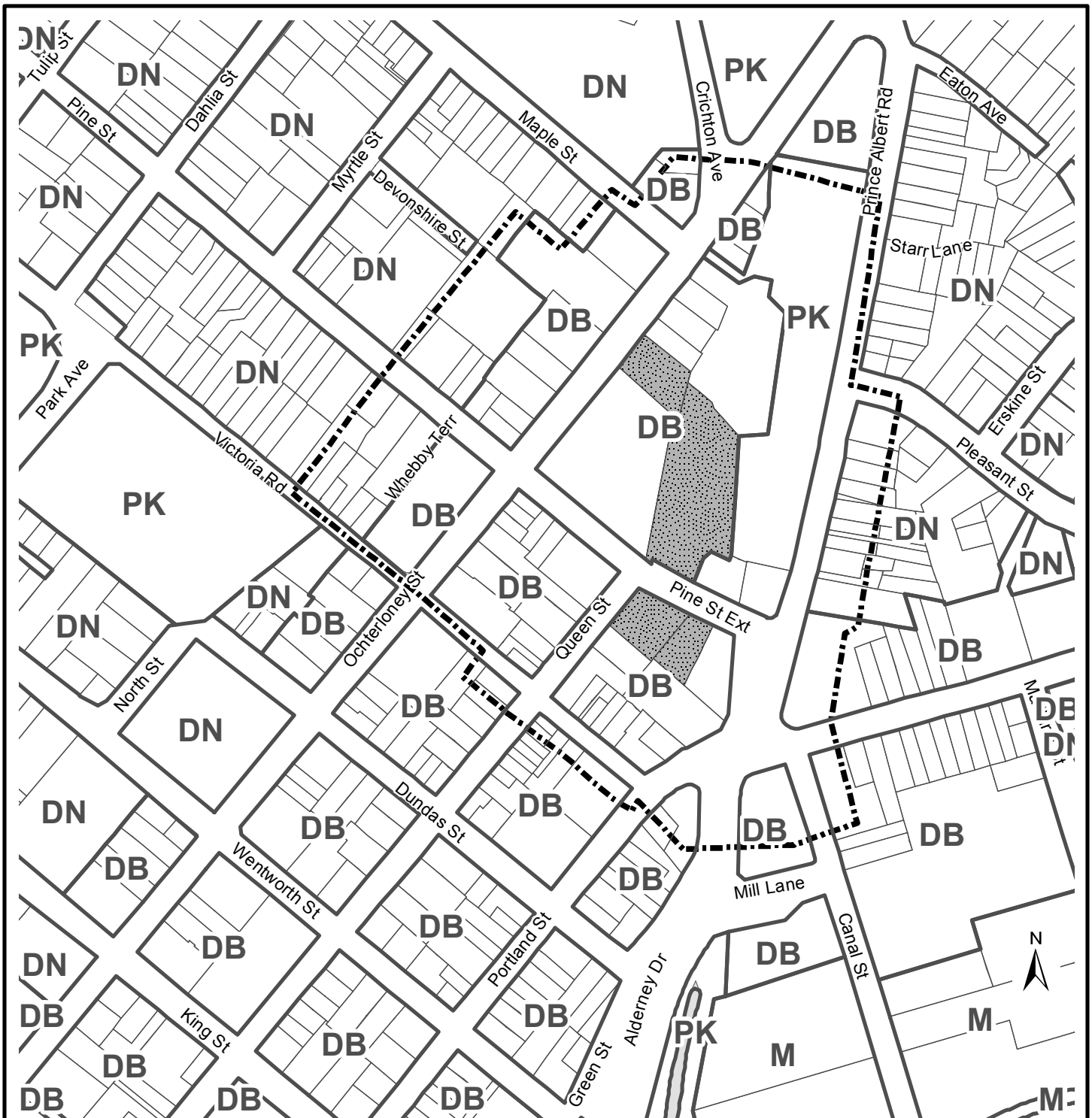
Designation

- DN Downtown Neighbourhood
- DB Downtown Business District
- PK Park and Open Space
- W Waterfront

0 105 210 420 630 Feet

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

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



Map 2 - Zoning



Subject Lands



Notification Area

Zone

DB	Downtown Business District
DN	Downtown Neighbourhood
M	Marine Business
PK	Park and Open Space

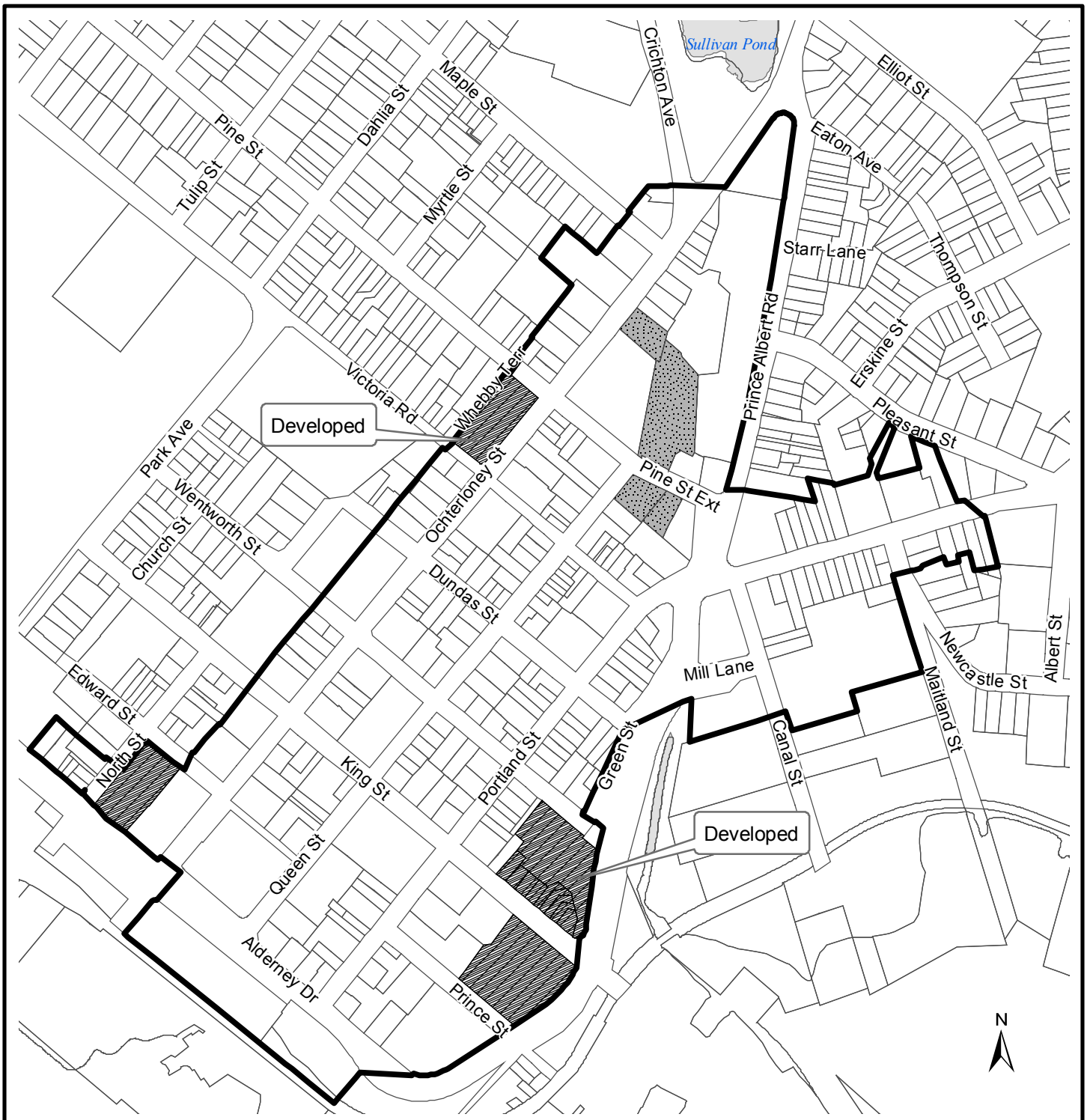
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

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


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Downtown Dartmouth Plan Area



Map 3- Existing Opportunity Sites in Downtown Business District

-  Subject Lands
-  Existing Opportunity Sites

 Downtown Business District

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0 100 200 400 600 Feet

This map is an unofficial reproduction of a portion of the Downtown Dartmouth Plan Area.

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Downtown Dartmouth Plan Area

Attachment 1
Summary of Forum 2 Outcome
Regional Centre Urban Design Study

Downtown Dartmouth/Dartmouth Cove

Downtown Dartmouth/Dartmouth Cove is an area steeped in history including a significant stock of existing built heritage resources. The visual and physical proximity to Downtown Halifax can be anticipated to be a primary influence on the role, function and growth of the area moving forward. Downtown Dartmouth has a 'village' feel characterized by its small block and street pattern, compact built form, intimate scale, clearly defined edges and numerous churches.

Character Statement

- Protecting and enhancing the area's heritage which is of significance to the entire region
- The mixed-use character including the marine industrial functions are defining characteristics
- The topography, including the shoreline and south facing slope provide exceptional views to the harbour mouth and afford sun penetration
- The area should continue to function as a major centre for surrounding neighbourhoods
- Reinforce the 'village' character while remaining a regional draw

Opportunities for Downtown Dartmouth/Dartmouth Cove:

- Design at-grade levels for adaptive reuse into retail
- Appropriate heights and visually pleasing buildings
- Need to define approach for taller buildings
- Small town character
- Promote entertainment uses
- Portland Street as a cultural and entertainment corridor
- Improve shoreline and create intimate spaces
- Continuation of trail to enhance opportunities for pedestrian connection to downtown
- Create a 'Promenade' along the trail
- Celebrate the canal by ensuring buildings that front onto it
- North park neighbourhood properties have an impressive character
- Marina opportunities at the foot of Ochterloney St and the Dartmouth Cove
- Extending the pier to break wave impacts
- Tourist attractions needed
- Only public uses and parks on the waterfront side of Alderney Drive
- Keep Dartmouth Cove as a 'cove'

Additions to the Regional Centre Urban Design Framework

- 5 Corners an opportunity for secondary gateway
- The bridgehead a primary gateway
- Civic Landmark Streets: Ochterloney, Queen and Prince Albert (scenic route)
- Views – Ochterloney, King and Portland are key 'window' views to the water; Wyse Rd and Alderney Drive provide panoramic views; and, the 'curve' of Alderney provides a tremendous panoramic view opportunity
- Open Space – several shoreline opportunities
- Trails – missing link between the bridge and Ochterloney

Urban Design Strategies for Downtown Dartmouth/Dartmouth Cove:

General Approach to Built Form

- Landmark buildings to accommodate density
- Taller buildings with slender floor plates
- Reinforcing human-scaled street walls
- Stepped development to the shoreline to secure harbour views
- Strategic sites to be used for institutional and recreational uses
- 'Pavilion' buildings along the waterfront that do not obscure harbour views
- Promote roof gardens overlooking the water
- Higher densities and taller buildings should buffer existing low-rise residential with compatible forms and transitions in scale



Draft Concept Plan for Downtown Dartmouth and Dartmouth Cove showing potential building frontages and open spaces.

North Street

- Remain predominantly residential in character

Ochterloney Street

- A variety of setbacks
- Heritage character
- Number of churches

Alderney Drive

- Traffic needs to slow down
- On-street parking should be permitted off peak traffic hours
- Commercial and mixed uses
- Signalized pedestrian crossings

Queen Street

- Institutional and service uses Such as the Alderney centre and post office
- Concentration of residences to the opposite end to the harbour

Portland Street

- Buildings close to the street continuous with animated frontages
- Entertainment uses
- Reinforcing and defining the uses

Cove Area

- Mixed uses
- Marine industrial uses and the rail line to be respected and integrated
- Contemporary style and an eclectic style

Canal

- Day lighting the buried canal
- Create Public space frontage to the canal
- Engage and animate canal frontage