

Item No. 11.1.4

**Halifax Regional Council
January 10, 2012**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 6, 2011

SUBJECT: **Case 17397, Redevelopment of the former Bay Department Store,
7067 Chebucto Road, Halifax**

ORIGIN

Application from Trada Developments.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law to permit an addition to the building at 7067 Chebucto Road (the former Bay department store) in the west end of Halifax; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

Proposal:

The former Bay department store is located at 7067 Chebucto Road in the west end of Halifax (Map 1). It is comprised of two floors of retail space that are above a multi-storey parking garage. Originally conceived as a Simpsons, the department store was built in the early 1980s. The Bay closed in April, 2011, and was purchased by Eurofax Properties Incorporated. Eurofax plans to:

- convert the existing two retail floors, which are approximately 128,000 square feet in area, into general office space and a professional school (CompuCollege);
- construct an additional three storeys of general office space, which will be approximately 96,000 square feet in area; and
- retain the existing parking.

Work to convert the existing building floor space is already underway. The three additional floors that are proposed, requires the approval of Council. Council will also need to consider discharging an existing development agreement that allowed for the construction of the department store and parking garage.

Site and Surroundings:

The Eurofax building is part of a large commercial complex that also includes:

- a former shopping mall (the West End Mall) that has been largely converted into offices and recently renamed the Mumford Professional Centre;
- large retail and grocery stores, including a Walmart, Winners, Sears Outlet, Sobeys, and Real Canadian Wholesale Club;
- a self-storage warehouse; and
- stand-alone retail buildings, with stores such Tim Hortons and Moores Clothing for Men.

While these developments may be recognized as one commercial entity, there are multiple property owners for parts of the complex including the Eurofax building, which is separate from the Mumford Professional Centre.

There are low density residential areas to the south and the west of the Eurofax building, across Chebucto Road and Philip Street.

Existing Planning Policies and Regulations:

The site is within the C-2 Zone and within Schedule C of the Halifax Peninsula Land Use By-Law (LUB). The planning policies and regulations that apply to the Eurofax building, originate with the adoption of the 1978 Municipal Development Plan which is now referred to as the Halifax Municipal Planning Strategy (MPS). At the time of its adoption, the MPS identified eleven areas of the former City of Halifax where detailed planning was to occur. This list formed the basis for secondary plans that were undertaken in the years to follow (Map 2). The approach

that was taken in most of these areas was to allow a modest degree of development to occur while secondary plans were being prepared. In the interim, any substantial projects were considered by development agreement, subject to certain policy criteria and the overall objectives and policies of the MPS (Section II policies). The eleven areas where this approach was applied were included in Schedule C.

The Eurofax property falls within one of the Schedule C areas and is referred to as the Simpson's/Eaton's Shopping Area, which includes the above noted commercial complex and the Halifax Shopping Centre. Out of the eleven Schedule C areas, the Simpson's/Eaton's Shopping Area is the only one that has not been the subject of a secondary planning process. Consequently, the original 1978 interim planning approach continues to apply. With this, there is an allowance for some development to occur as-of-right, while other commercial development that is over 35 feet in height or 5,000 square feet in floor area is to be considered by development agreement.

As result of this policy context, the original department store was the subject of a development agreement in 1981. Other commercial developments, such as the stand-alone retail buildings, are also the subject of development agreements. Other activity, including the establishment of the Winners, Sobeys, Wal-mart and the conversion from retail to office space in the Mumford Professional Centre, has not required development agreements as they have involved solely a change of use within existing buildings.

Past development within new buildings has been for retail and service uses. The three additional storeys proposed by Eurofax is the first new development for an office use since the 1978 policies and regulations were adopted. Under those policies, there is support for retail uses but not new buildings or additions for major office or hotel uses, as stated in policy 3.1.4:

“Shopping centres should service a major area of the City, and/or part of the region. They shall have direct controlled access to the principal street network and shall have adequate provision for pedestrian, transit, service, and private automobile access and egress. The dominant activity in shopping centres shall be retail activity. **Major offices and hotels should be discouraged from locating in these centres.**”

[emphasis added]

Regional Plan:

Despite policy 3.1.4 of the MPS, the Regional Plan specifically identifies the “West End Mall” as an Urban District centre, where there is to be a “mix of high density residential, commercial, institutional & recreational uses.” (Regional Plan page 43)

Request for Amendment:

If the Eurofax proposal is to be fully realized, the new office space requires amendments to the MPS and the existing development agreement for the original department store needs to be discharged. On the basis of the Regional Plan and the proposal itself, Eurofax believes that there is merit to the amendments and has therefore submitted this application.

DISCUSSION

Additional Office Space:

It is surmised that the limitation expressed in policy 3.1.4 of discouraging additional office space, stems from an emerging concern in the 1970s about office buildings starting to locate outside of the Central Business District. The migration of office uses outside the urban core remains the subject of concern today. Around the time of the adoption of the 1978 MPS, the Maritime Life building was established on Joseph Howe Drive. There was debate about whether an office on the periphery of the city should be allowed. Since then, HRM has grown considerably and the current pattern of development includes office buildings that are far outside the Simpson's/Eaton's Shopping Area, in places such as Bayers Lake Business Park and the Bayers Road area. With this, areas such as the Simpson's/Eaton's Shopping Area are now viewed as being part of the urban core.

Municipal Planning Strategy amendments should consider where there is a change in circumstances. As noted in the Background Section of the report, the 2006 Regional Plan specifically identifies the West End Mall as an Urban District centre where there is to be high density mixed-use development. In light of what is envisioned by the Regional Plan, the Eurofax development might be considered as being relatively minor in scope.

Based on the Regional Plan, it is suggested that there is merit in amending the MPS to allow new office uses on the Eurofax site.

Comments about the Proposal:

With specific regard to the proposal to add three floors above the Eurofax building, it is important to review its potential impact upon its surroundings. At this point, HRM staff has identified three factors that are important to consider:

1. the impact of the size of the addition on the surrounding residential area;
2. traffic impacts; and
3. parking impacts.

Based on a preliminary review of these matters, staff believes that the changes to the existing building and the proposed addition should be viewed favourably by neighbourhood residents from an aesthetic perspective. With regard to traffic, a substantial study has been conducted that indicates that the proposed change in use to the existing building and the addition can occur without a negative impact upon surrounding streets. This study also finds that the existing parking structure will be able to accommodate the parking needs of the entire development project.

At this stage, there is sufficient merit to share this information with the public, to undertake formal public consultation, and to review the proposal in greater detail.

Potential Amendments:

Amendments to the Halifax MPS will be necessary to permit new office uses at Eurofax site. At this time, staff believes that there is little reason to consider regulating the existing structure and the three storey addition by development agreement. Rather, if allowing the three additional storeys above the existing building is reasonable, following public consultation and a detailed review, it is envisioned that such development could be allowed by simply removing the Schedule C requirement, establishing a height limitation, and requiring that the existing parking be retained. With this, the existing development agreement would be discharged. Amendments would apply solely to the Eurofax site.

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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

At this point, Regional Council is being asked to initiate a process to consider the amendments being sought by the proponent. If Regional Council agrees to this, staff will undertake a comprehensive review of the issues associated with the application. We will also consult with the public and other stakeholders, through a public information meeting and other means, following which we will submit a report and recommendation to Regional Council. This report will be considered by the Peninsula Community Council, who will make a recommendation on any prospective amendments to the planning documents. With this information, if Regional Council wishes to consider adopting amendments, it will need to hold a public hearing.

ALTERNATIVES

1. Regional Council may choose to initiate the application, which is the recommended alternative for the reasons outlined in this report.
2. Regional Council may choose not to initiate the application, the result of which would be the retention of the current policies and regulations. Refusing to initiate the application is not recommended as the proposal warrants further detailed review and public consultation.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Areas for Detailed Planning (original map from the 1978 MPS)
Attachment A	Existing Eurofax Building
Attachment B	Images of Building Renovations and Proposed Addition

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.

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Map 1 - Location and Zoning

7067 Chebucto Road
Halifax

 Subject area

Halifax Peninsula
Land Use By-Law Area

Zone

R-1	Single Family Dwelling
R-2	General Residential
R-3	Multiple Dwelling
RC-1	Neighbourhood Commercial
C-2	General Business
C-3	Industrial
P	Park and Institutional

HALIFAX
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COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 30 60 m


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Areas for Detailed Planning

- Designated Areas
- Commercial Area located in designated area.

00 The numbers refer to the areas listed in policy 1-5-2

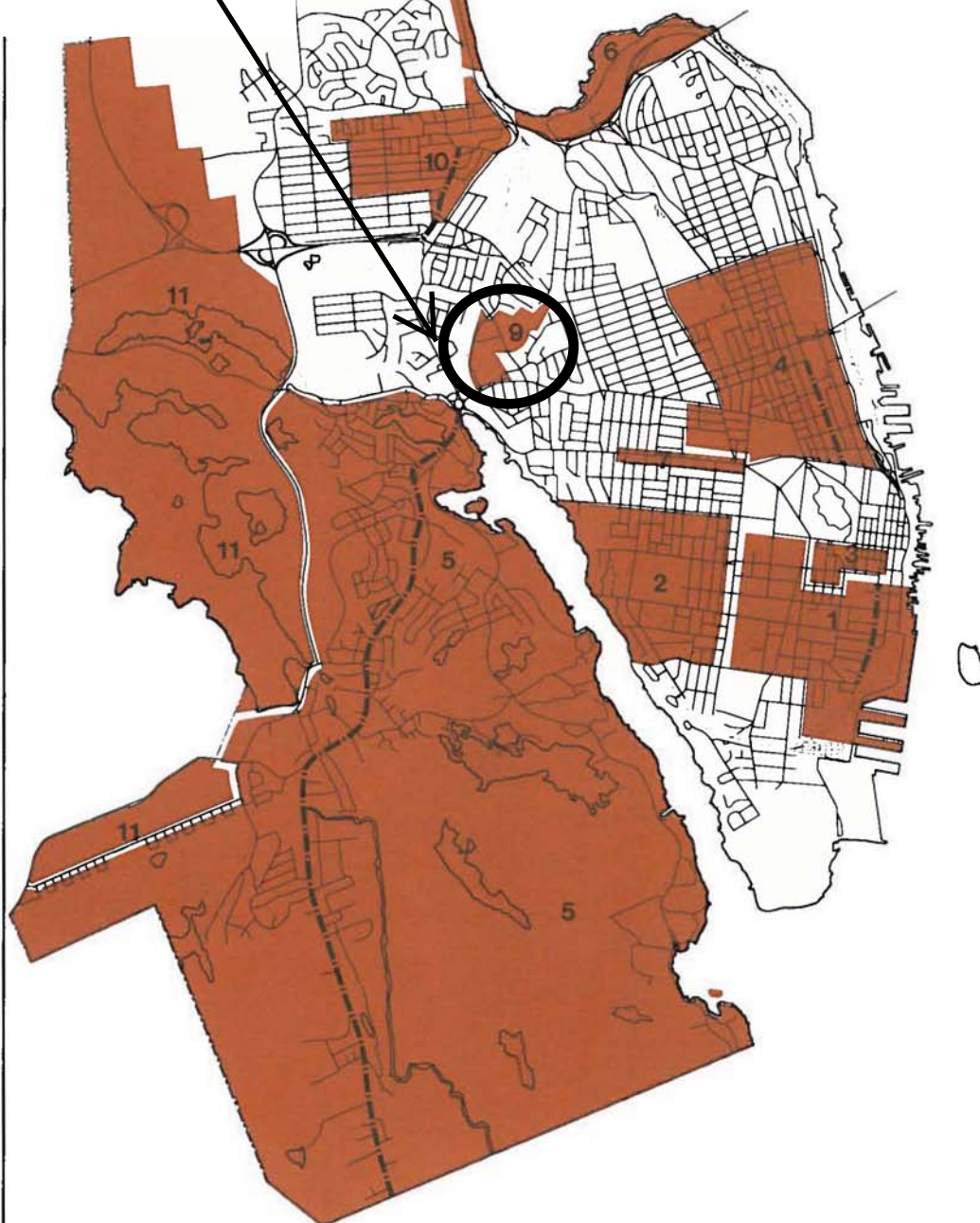
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Municipal
Development
Plan
City of Halifax
March 1978



0 1 Km
0 1 Mile

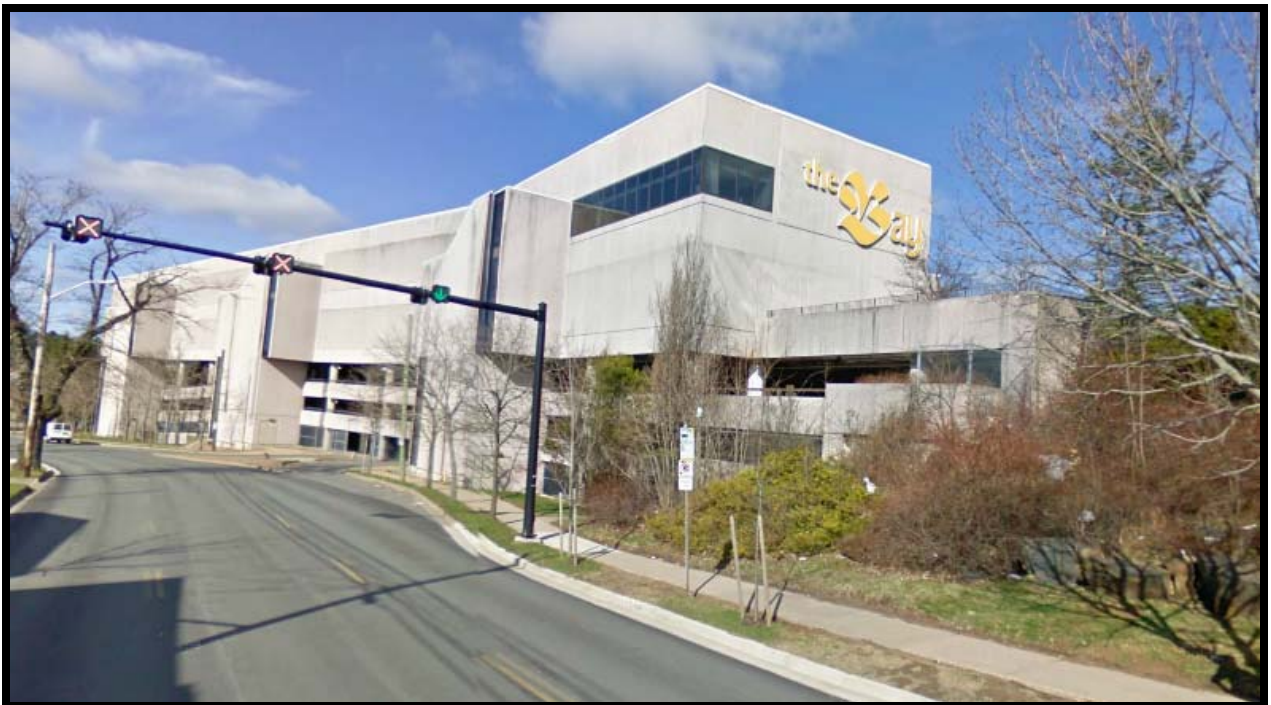
Simpson's/Eaton's Shopping
Area



Attachment A – Existing Eurofax Building

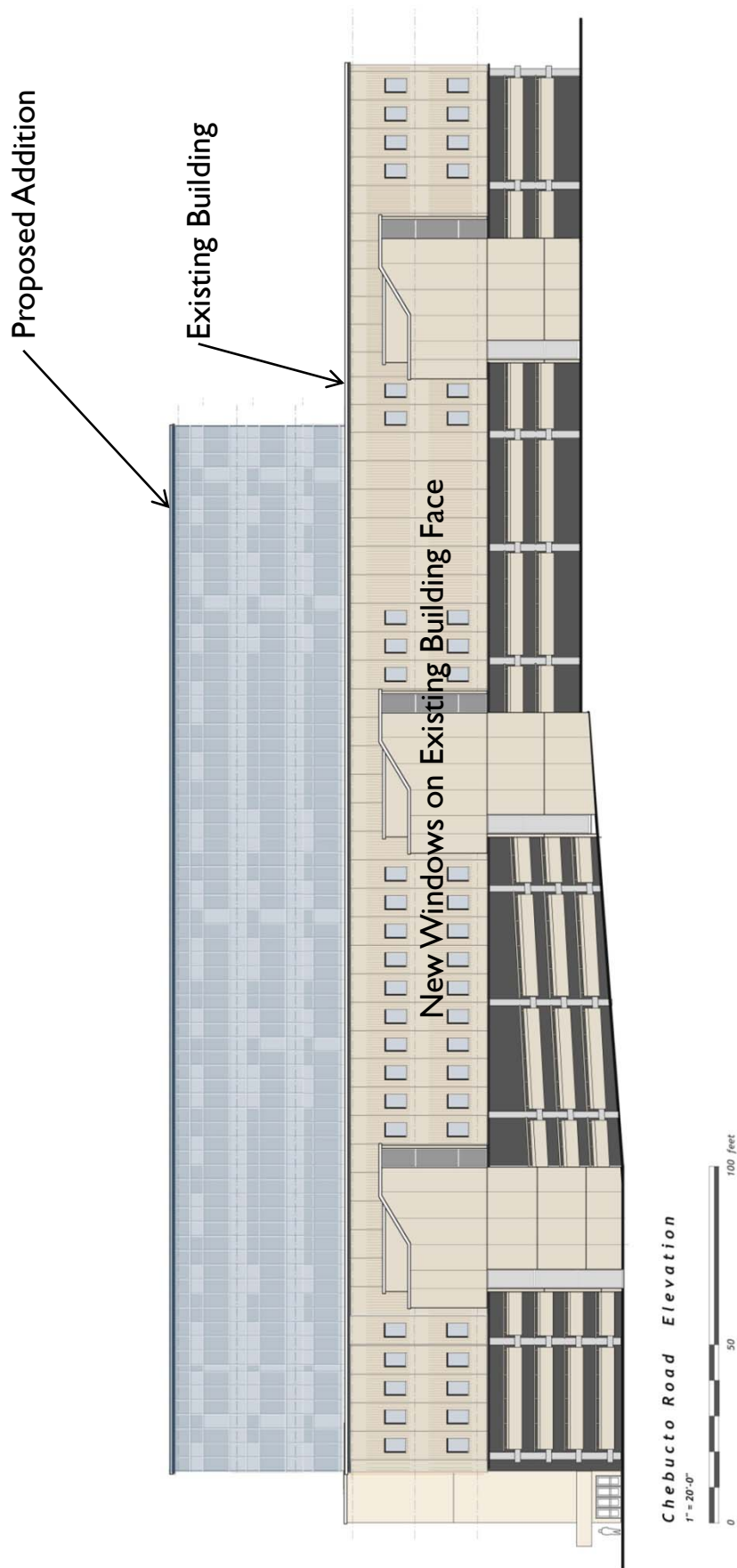


Aerial view of the existing building



View of the southern and eastern elevations from Chebucto Road

Attachment B – Images of Building Renovations and Proposed Addition



Proposed Alterations to the former "Bay Store" Halifax Nova Scotia
June 6, 2011

Attachment B – Images of Building Renovations and Proposed Addition

