


Item No. 11.1.3
Halifax Regional Council
March 20, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: February 20, 2012

SUBJECT: Case 17174, Amendments to the Halifax Municipal Planning Strategy
and Peninsula Land Use By-Law for 1017 and 1021 Beaufort Avenue,
Halifax

ORIGIN

Application by Sunrose Land Use Consulting

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 Land Use By-Law for Halifax Peninsula to permit a maximum of six (6) single unit dwellings on a shared driveway at 1017 and 1021 Beaufort Avenue, by development agreement; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

In October of 2010, the property owner of 1017 and 1021 Beaufort Avenue (subject lands) commenced a process to establish a subdivision comprised of a new public street and nine (9) new house lots (Attachment A). This involved the demolition of a house. As this occurred, some area residents became concerned that the proposal was out of character with the neighbourhood. At the time, primary issues raised by residents were related to the location of the street and the relatively small size of the proposed lots. However, the proposal met the Municipality's requirements and was approved in May of 2011.

Applicant's Proposal:

Although a new subdivision can be approved without a decision of Council, the applicant is proposing an alternative to the traditional subdivision approach (constructing a new public street and creating new house lots). Instead, the applicant has requested amendments to the Halifax Municipal Planning Strategy (MPS) and the Land Use By-Law for Halifax Peninsula (LUB) to permit the development of six (6) single unit dwellings on one lot, with all dwellings accessed through the use of a shared driveway (Attachment B). The applicant's intent is to produce a development that is more sensitive to the surrounding residential neighbourhood.

Subject Lands:

The subject lands are adjoining parcels located south of Regina Terrance and north of Inglis Street in Halifax (Map 1), and are generally described as follows:

- Approximately 62,000 square feet in total area;
- Approximately 127 feet of total street frontage;
- Zoned RA-1 by the LUB (Map 1);
- Designated Low Density Residential (LDR) by the South End Area Plan, which forms part of the MPS (Map 2);
- 1021 Beaufort Avenue is developed with a two-story single unit dwelling; and
- 1017 Beaufort Avenue is currently vacant but was developed with a single unit dwelling and a large accessory building, prior to 2011.

The surrounding area is predominantly comprised of low density residential development.

Zoning Change:

In September of 2011, Regional Council approved amendments to the MPS and the LUB which replaced the existing R-1 (Single Family Residential) Zone in the area bounded by Oakland Road, Beaufort Avenue, Inglis Street and Bellevue Avenue, with a new low density residential zone (R-1A - Single Family Residential A). Compared to the R-1 Zone, the R-1A Zone has larger lot area and frontage requirements. The R-1A Zone also includes specific front-yard setback and height requirements, and was adopted to provide development controls consistent with the existing character of the neighbourhood.

Current Subdivision Ability:

Based on the newly applied R-1A Zone, a new subdivision on the subject lands can move forward, but the size and development of each lot would need to satisfy the new zone requirements. This would result in a subdivision comprised of a new public street and seven (7) to eight (8) lots.

Policy Context:

The MPS does not provide a mechanism for Community Council to consider more than one single unit dwelling on a lot. The MPS and LUB also require new lots in Halifax to abut a public street. Constructing six (6) single unit dwellings on one lot and providing access to each dwelling via a shared driveway, is not contemplated by the MPS.

However, the MPS does express intent to retain the character of predominantly stable residential neighbourhoods. Further to this point, the MPS acknowledges that different residential areas contribute to the richness of Halifax, with each neighbourhood exhibiting different characteristics through such things as their location, scale, housing age and type (Attachment C). In order to promote neighbourhood stability, the MPS states that the Municipality will seek to ensure that any change be compatible with these neighbourhoods.

DISCUSSION

Although the R-1A Zone provides development controls consistent with the existing character of the neighbourhood, the significant size of the subject lands enables the construction of a new public street. As the new zone requires larger lot sizes and specific building placement, lot development via this traditional subdivision process will be consistent with the neighbourhood character. However, constructing a new public street on land surrounded by long standing low density development may not enhance the neighbourhood character.

In order to ensure development on the subject lands enhances the neighbourhood character, a planning process should be undertaken to review current and proposed options for infill development with the public. Specifically, undertaking a planning process will provide the public with an opportunity to compare a traditional subdivision approach (current option), which includes a new public street with a shared driveway approach (applicant's proposal). Staff expects the process will identify the type and style of development that will best enhance the neighbourhood character.

In the event a shared driveway approach is considered by the Municipality, such development would be considered through the use of a development agreement. A development agreement would provide an opportunity to address a variety of matters, including the number and location of dwellings, building size and design, and landscaping.

Initial Concerns:

While there may be some public preference for the new proposal, staff has identified some initial concerns with the project, which are:

1. Parkland Dedication: When new lots are created, the Halifax Regional Subdivision By-Law requires parkland dedication either in the form of land or equivalent value (or a combination of the two). Constructing a new public street and creating new residential lots will require parkland dedication. If the shared driveway approach is identified as the more suitable approach, the Municipality's ability to mandate public parkland dedication may be lost.

2. Generating Speculation: Exploring the applicant's proposal through a planning process may generate speculation regarding potential redevelopment options within other established residential areas. For example, if the proposal is identified as the more suitable approach, the public may assume similar proposals in other parts of the Municipality may also have merit.

Undertaking a planning process will provide an opportunity to review these matters in more detail and look at ways to address these and other issues.

Conclusion:

While current policies and regulations allow the applicant to proceed with a proposed subdivision, undertaking a planning process to compare the two development approaches (current vs. proposed) has merit due to the uniqueness of the site. Therefore, staff recommend that a planning process be initiated to compare the current development abilities (new public street) to the proposed development approach (shared driveway) and in turn, identify the development option that best suits the site and the neighbourhood's character.

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

If Regional Council agrees to initiate this application, staff will undertake a comprehensive review of the issues associated with current development options and the applicant's proposal. Staff will also consult with the public and other stakeholders, through a public information meeting and other means, following which staff 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

Attachment A: Initial Subdivision Proposal

Attachment B: Applicant's Proposal

Attachment C: Excerpts from the MPS

Map 1: Location and Zoning

Map 2: Generalized Future Land Use

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.

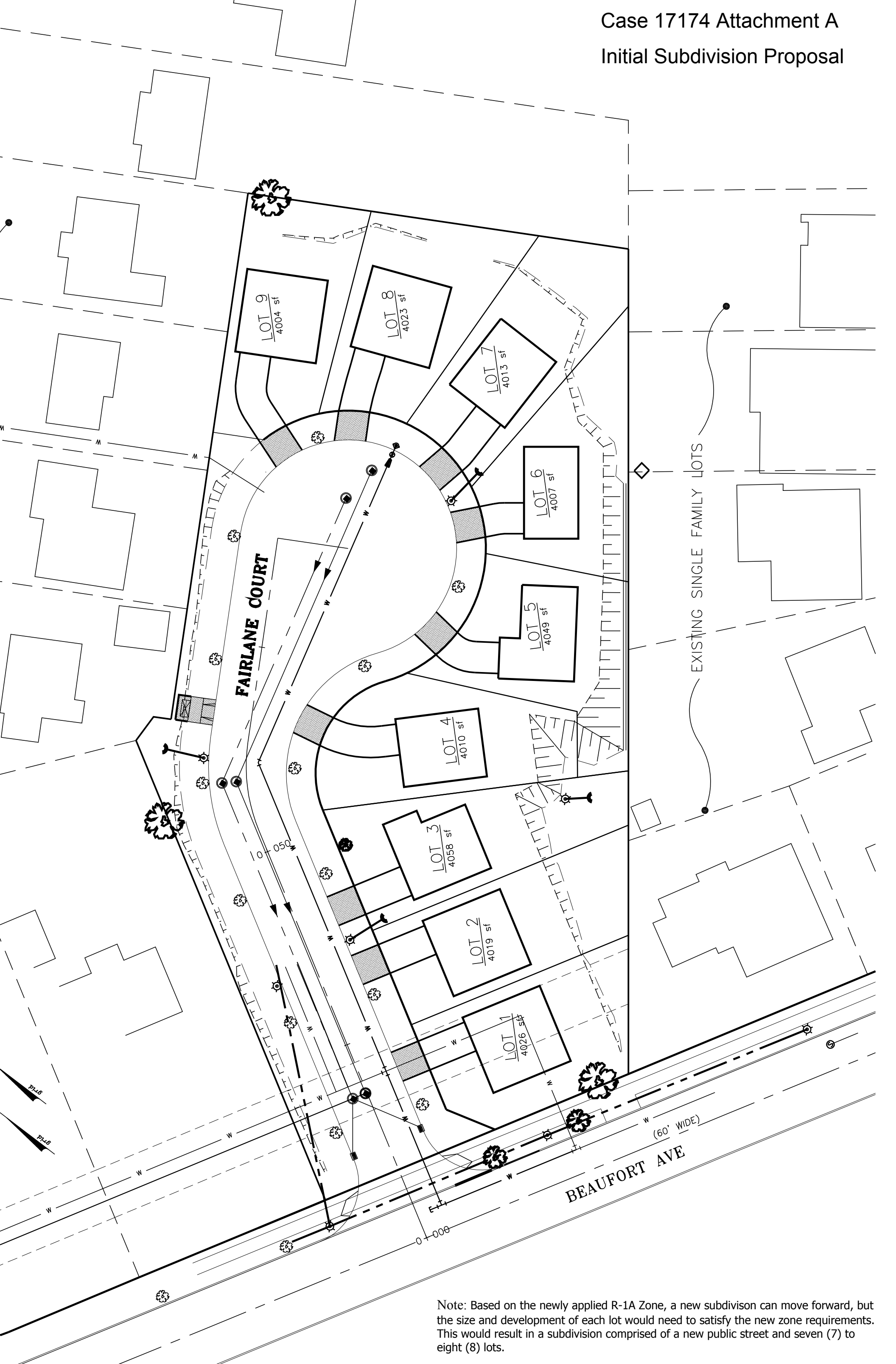
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Note: Based on the newly applied R-1A Zone, a new subdivision can move forward, but the size and development of each lot would need to satisfy the new zone requirements. This would result in a subdivision comprised of a new public street and seven (7) to eight (8) lots.



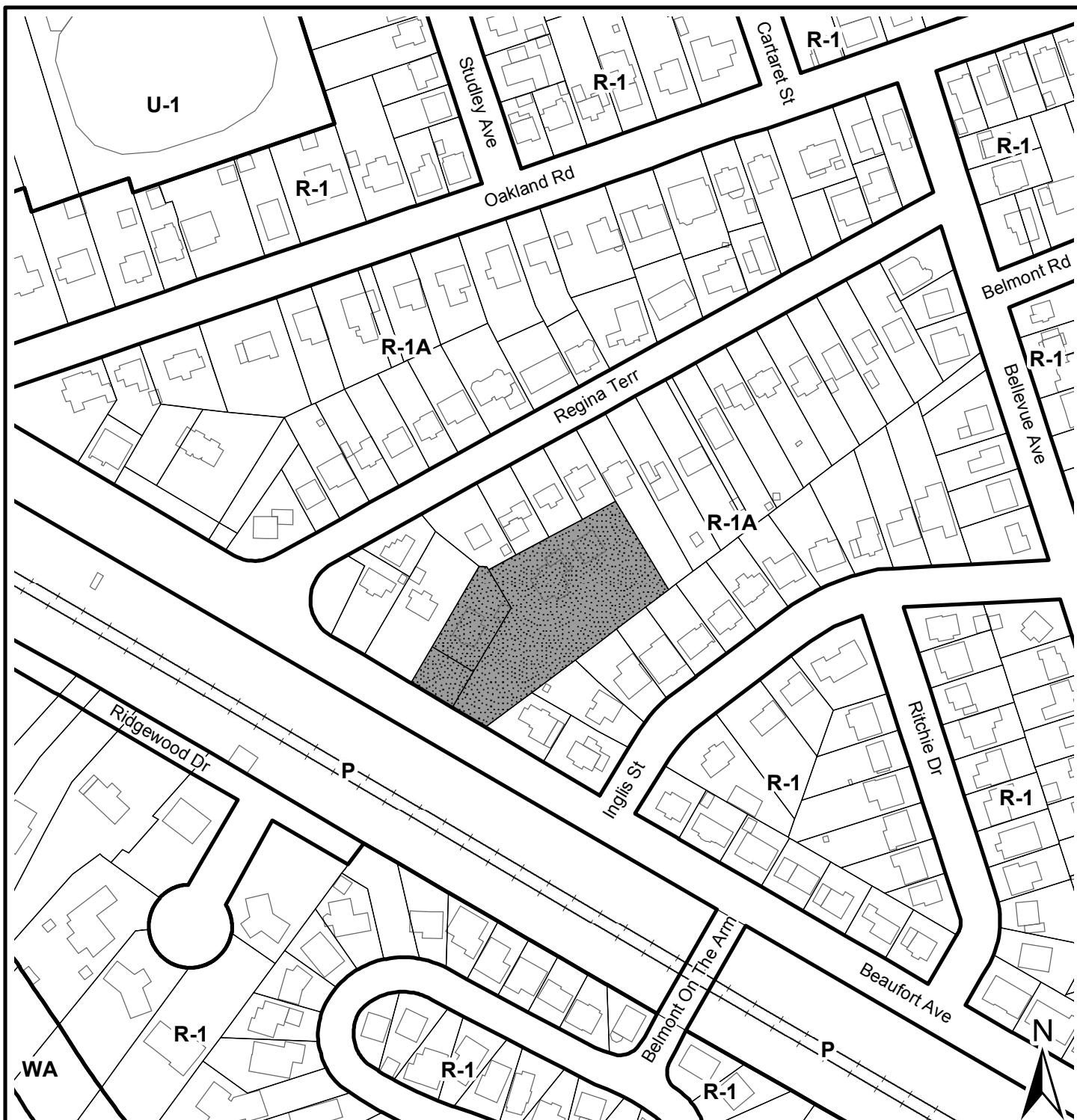
Case 17174 Attachment C - Excerpts from the Halifax MPS

Implementation Policies

- 3.1.1 The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.


Section II Policies

- 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- 2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.



Map 1 - Zoning

1017 and 1021 Beaufort Avenue
Halifax


 Subject Lands

Halifax Peninsula
Land Use By-Law Area

Zone

R-1 Single Family Dwelling
R-1A Single Family Dwelling A
R-2 General Residential
U-1 Low Density University
U-2 High Density University
P Park and Institutional
WA Water Access

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 30 60 m



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.



Map 2 - Generalized Future Land Use

South End Detailed Area Plan


 Subject Lands

Designation

Halifax Plan Area
South End Detailed Area Plan

LDR Low Density Residential

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

0 30 60 m


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

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