



Item No. 11.1.3
Halifax Regional Council
October 22, 2013

TO: Mayor Savage 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: September 19, 2013

SUBJECT: **Case 18464: Amendments to the Halifax MPS & LUB – Bright Place and Normandy Drive, Halifax**

ORIGIN

- Application by W. M. Fares Group
- September 25, 2012 motion of Regional Council to close a portion of the Bright Place street right-of-way

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB), for the lands at 3631 & 3639 Bright Place, 6100 Normandy Drive, and a portion of the Bright Place street right-of-way (PID # 40708901 & 40926107), to allow for a multi-unit residential building by development agreement; and
2. Request staff to follow the public participation program for the MPS amendment process as approved by Council in February 1997.

BACKGROUND

An application has been submitted by W. M. Fares Group, on behalf of Amani Developments Limited and Bay Rock Developments Limited, for a site-specific amendment to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to allow for a multi-unit residential building, by development agreement, at 3631 & 3639 Bright Place, 6100 Normandy Drive, and a portion of the Bright Place street right-of-way (PID # 40708901 & 40926107). Three of the existing parcels, those being civic # 3631 & 3639 Bright Place and 6100 Normandy Drive, are owned by the developer while the remaining two parcels (PID # 40708901 & 40926107) are currently owned by HRM and comprise the Bright Place street right-of-way (Maps 1 and 2). On September 25, 2012, Regional Council passed a motion to close a portion of the street right-of-way in order to facilitate the market disposal of the land parcel to the developer.

Location, Designation, Zoning and Surrounding Land Uses

The subject lands are:

- located at 3631 & 3639 Bright Place, 6100 Normandy Drive and a portion of the Bright Place street right-of-way (PID # 40708901 & 40926107) (Maps 1 and 2);
- situated between and have street frontage on Lady Hammond Road and the intersection of Normandy Drive and Bright Street in the north end of the Halifax peninsula;
- comprise approximately 0.65 acres (0.26 hectares);
- developed with a 4-unit residential building at civic #3631 Bright Place, a 4-unit residential building at civic #3639, and a single family dwelling at 6100 Normandy Drive;
- designated Regional Centre under the Regional Plan;
- designated Residential Environments under the Halifax MPS (Map 1);
- zoned R-2 (General Residential) under the Halifax Peninsula LUB (Map 2), excepting the street right-of-way, which is not zoned; and
- surrounded by a mix of land uses including low-density residential development and apartments (Sisters of Charity) to the north, an abutting commercial motel use to the west, primarily apartment and commercial (retail and office) uses on the south side of Lady Hammond Road and low-density residential uses to the east;

Street Closure and Pedestrian Walkway

On September 25, 2012, Regional Council passed a motion to close a portion of the Bright Place street right-of-way. Work has begun on the real estate transaction and site survey work in preparation for an application for subdivision approval is underway. As part of the land transaction, a 20-foot wide portion of the right-of-way along the southwest boundary, between Lady Hammond Road and the Bright Street/Normandy Drive intersection, will be retained by HRM for pedestrian access (Map 3). Also, through the real estate transaction, the developer will be required to construct a pedestrian walkway within this area to facilitate pedestrian movement between the two streets.

Proposal

The proposal is to demolish the existing buildings, consolidate the properties (with the exception of the pedestrian walkway connection noted above) and construct a 7-storey multiple-unit

residential building with approximately 42 units (Attachments A and B). Driveway access is proposed to be from Lady Hammond Road, leading to underground parking. An abundance of landscaped open space is proposed at grade and on the podium rooftop as a result of locating the parking below grade. The building's mass is proposed to be primarily located adjacent to the existing motel and oriented toward Lady Hammond Road, thereby reducing its impact on the low-density residential development to the north and east.

Existing MPS Context

The subject lands are governed by the Residential Environments objectives and policies found in Section II (City-Wide Objectives and Policies) of the Halifax MPS which encourages residential growth on the Peninsula and contains a significant focus on encouraging development which is compatible with the scale and character of existing stable residential neighbourhoods (Attachment C).

Regional Plan Policy

Under the Regional MPS, the property falls within the Regional Centre designation. The Regional Plan encourages new residential growth in the Regional Centre on major streets with access to transit service, which promotes more complete, vibrant and walkable communities.

DISCUSSION

Municipal Planning Strategy Amendments

The Municipal Planning Strategies of the Municipality lay out the intent of HRM regarding appropriate land use and future patterns for growth within communities. Amendments to an MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted or last reviewed; or in cases where circumstances are significantly different from the situations that the Plan anticipated.

Rationale for MPS Amendment

The applicant has indicated a desire to reinvest in the site by replacing the existing older buildings with a new, contemporary building design. The applicant has submitted rationale in support of the proposed MPS amendment process. This rationale states that the proposed development relates well to its surroundings by:

- positioning the building closer to Lady Hammond Road and the abutting motel property, thereby achieving greater setbacks from lower density residential development;
- stepping the building down to 3 storeys on Normandy Drive adjacent to houses to the east;
- placing vehicular parking underground, resulting in ample landscaped open space at ground and podium levels; and
- proposing high quality building design with highly articulated facades and varying materials and colours.

The proposal has merit in that it presents an opportunity to achieve a redevelopment of the site which will increase housing supply on the peninsula, while providing some controls on the

building and site design and appearance. While the acceptability of the proposed building's design and scale will only be determined through public consultation, the mixed-use nature of the site's surroundings make it an appropriate site on which to consider such a proposal.

In this case, due to the close proximity of low-density residential uses, it would not be appropriate to rezone the land to allow for apartment development, as that process does not provide an opportunity to control the resultant building design and appearance. The development agreement process would be a more appropriate mechanism to allow Council to consider design issues in order to ensure that there are no visual or un-neighbourly impacts on the surrounding area. New MPS policy is required in order to enable the development agreement process for the subject property.

Conclusion

Staff is of the opinion that there is merit in considering amendments to the MPS and LUB in order to enable multi-unit residential development on the lands, by development agreement, which is compatible with the surrounding neighbourhood. The public consultation process will help determine the level of compatibility of the proposal. Therefore, staff recommend that Council initiate the process to consider amending the Halifax MPS and LUB.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The *HRM Charter* requires that Council approve a public participation program when considering any amendment to an MPS. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the MPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

ALTERNATIVES

1. Council may choose to initiate a process to consider site-specific amendments to the Halifax MPS and LUB to allow for a multi-unit residential building by development agreement on the lands shown on Maps 1 and 2 of this report. This is the recommendation of staff. A decision of Council to initiate the potential amendments is not appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to initiate a process to pursue MPS and LUB amendments that would differ from those outlined in this report.
3. Council may choose not to initiate the MPS amendment process. This alternative is not recommended, as staff believe there is merit in considering the MPS/LUB amendment process as presented in this report. A decision of Council to not initiate the potential amendments is not appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Location
Map 3	Proposed Development Site and Pedestrian Walkway
Attachment A	Proposed Site Plan
Attachment B	Proposed Rendering
Attachment C	Relevant Policy Excerpts from Halifax MPS

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.

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Report Approved by: _____
Brad Anguish, Director of Community and Recreation Services, 490- 4933



Map 1 - Generalized Future Land Use

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax

 Subject Area

Designation

RES Residential Environments
COM Commercial

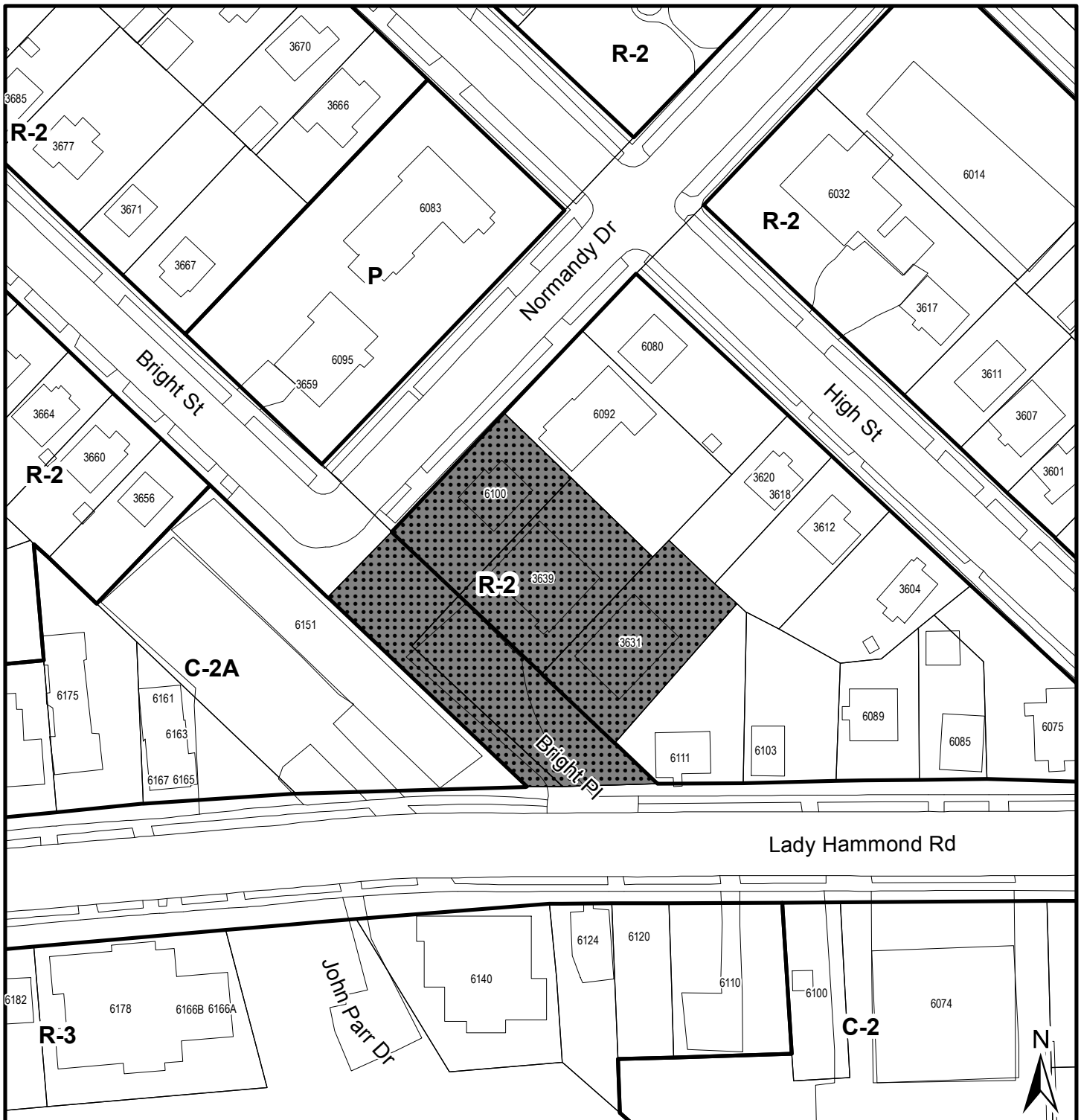
Halifax Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m

This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

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



Map 2 - Zoning

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax



Subject Area

Halifax Peninsula
Land Use By-Law Area

Zone

R-2	General Residential
R-3	Multiple Dwelling
C-2	General Business
C-2A	Minor Commercial
P	Park & Institutional

0 20 40 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.



Map 3 - Proposed Development Site and Pedestrian Walkway

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax

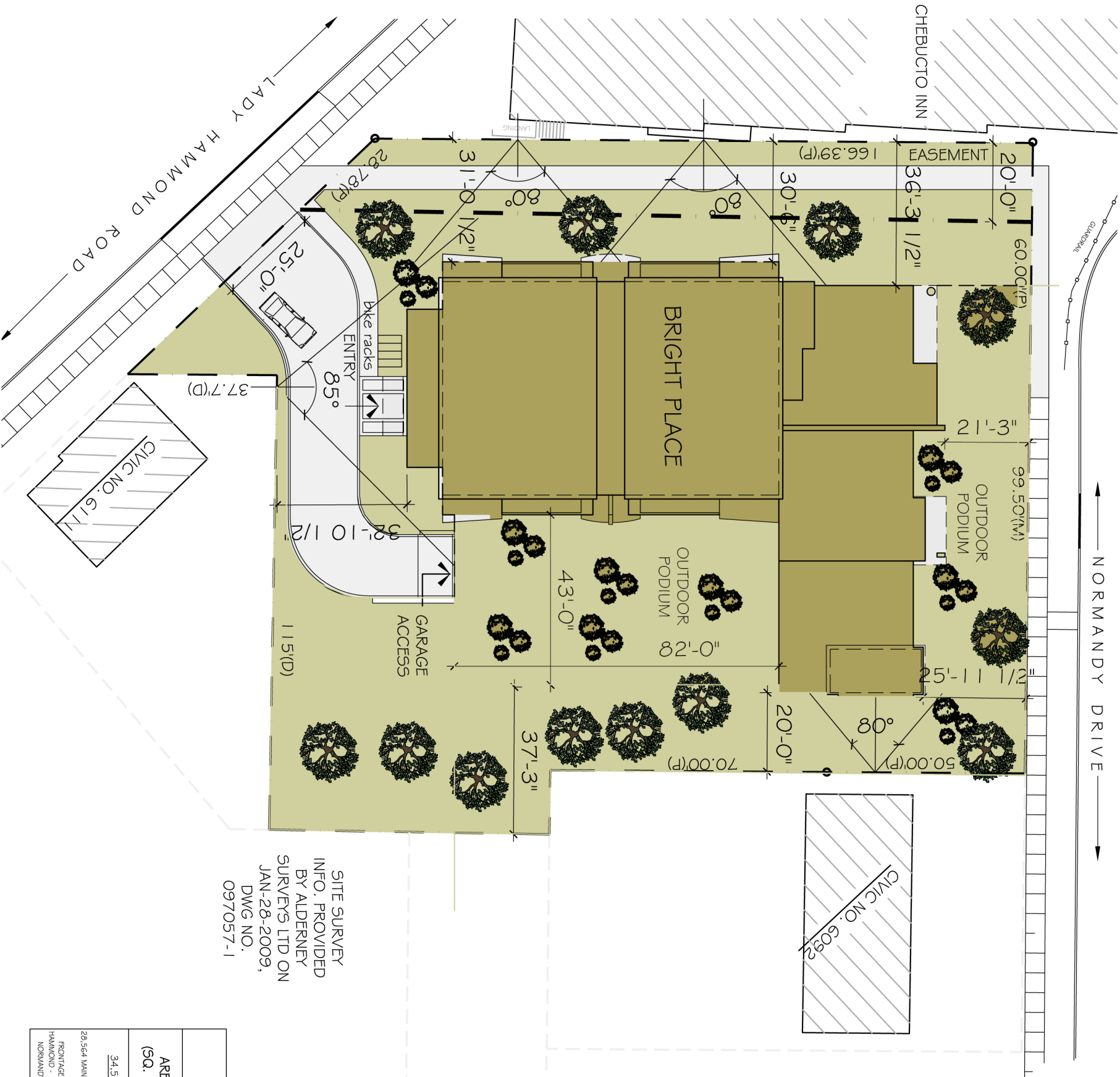
-  Area of proposed redevelopment
-  Walkway parcel to be retained by HRM

Halifax Peninsula
Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 m

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



SITE SURVEY
INFO. PROVIDED
BY ALDERNEY
SURVEYS LTD ON
JAN-28-2009,
DWG NO.
097057-1

DATA FOR MULTI-UNIT RESIDENTIAL							JULY 30-12	
AREA (SQ. FT.)	SITE DENSITY	BLDG AREA (SQ. FT.)	# OF UNITS	TOTAL PARKING (INDOOR)	OPEN SPACE	LANDSCAPED SPACE	BICYCLE PARKING	
<u>34,557</u>	99 ALLOWED	9121 BUILDING FOOTPRINT	42 TOTAL	34.5 REQUIRED	7660 REQUIRED (AS PER R3 REQUIREMENT'S)	6450 REQUIRED (AS PER R3 REQUIREMENT'S)	21 REQUIRED	
28,564 MAIN PROPERTY FRONTAGE - LADY HAMMOND - 1809 AND NORMANDY 41.95	90.75 ACTUAL	6000 UNDERGROUND PODIUM	27 - 2 BEDROOMS @ 1100 SQ FT 15 1-BEDROOMS @ 760 SQ FT	42 PROVIDED PLUS TWO TAKEN UP BY BICYCLES	19,442 PROVIDED	16,800 PROVIDED	<u>17 CLASS A AND 4 CLASS B PROVIDED</u>	

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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:
"BRIGHT PLACE"
HALIFAX, NOVA SCOTIA

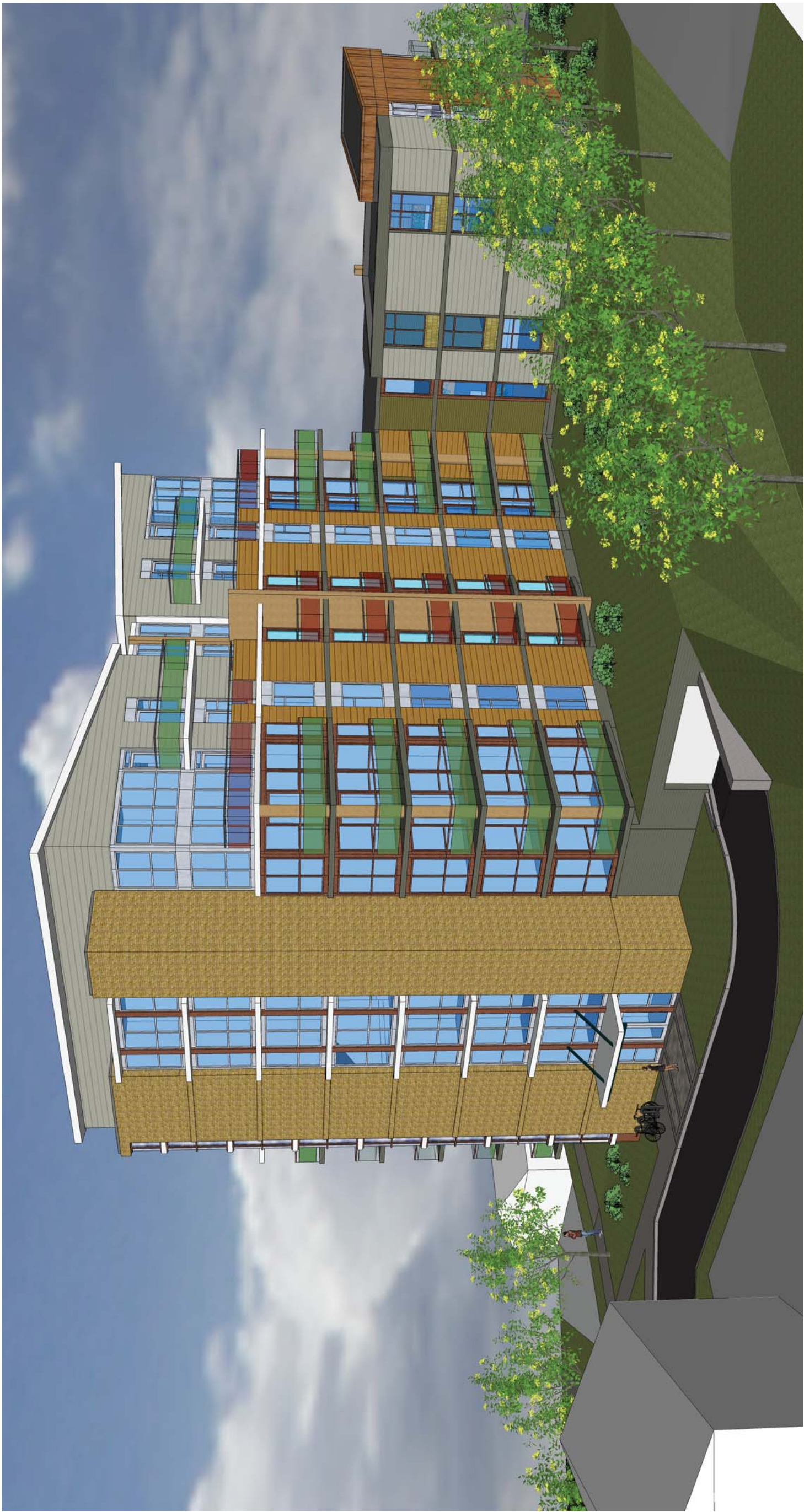
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NO.	REVISION	DATE

SHEET TITLE:
SITE PLAN

SCALE:	DATE:
1"=30'	JANUARY 2012
DRAWN:	SCALE FOR:
STAFF:	
CHECKED:	
KT	
PROJECT NO.	SHEET NO.
2008-24	SDP



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and regulations.

PROJECT: "BRIGHT PLACE"
HALIFAX, NOVA SCOTIA

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SCALE: NTS
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DESIGNER: KT
PROJECT NO. 2011-13
DATE: AUGUST 2012
ISSUE FOR:
SHEET NO. A6

Attachment C: Relevant Policy Excerpts from Halifax Municipal Planning Strategy

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES

2. RESIDENTIAL ENVIRONMENTS

- 2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.
- 2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.
- 2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 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.