




P.O. Box 1749  
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**Item No. 11.1.1**  
**Halifax Regional Council**  
**April 14, 2015**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original signed by 

**SUBMITTED BY:**

Richard Butts, Chief Administrative Officer

Original Signed

Brad Anguish, Acting Deputy Chief Administrative Officer

**DATE:** March 25, 2015

**SUBJECT:** **Case 19626: Amendments to the Dartmouth MPS and LUB 836 and 842  
Portland Street, Dartmouth**

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#### **ORIGIN**

Application by W.M. Fares Group

#### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

#### **RECOMMENDATION**

It is recommended that Halifax Regional Council direct staff to:

1. Initiate the process to consider site-specific amendments to the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for the lands at 836 and 842 Portland Street, Dartmouth to enable the development of a commercial/office building and a multi-unit residential building; and
2. 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 to amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable a mixed use project consisting of a commercial/office building and a 5 storey residential building at the corner of Portland Street and Portland Hills Drive, Dartmouth. Current applicable MPS policy and Land Use By-law regulations do not permit this type of mixed use development on the site, and as such amendments to both documents are necessary to enable such a development to occur.

### **Location, Designation, Zoning and Surrounding Use (Maps 1 and 2 and Attachment A)**

Property	836, 842 Portland Street, Dartmouth (PIDs 41044793 and 00230821)	
Location	Southwest corner of Portland Street and Portland Hills Drive	
Lot	Total of 4 acres (1.6 hectares) <ul style="list-style-type: none"><li>• 836 Portland Street: 3.67 acres (1.48 hectares)</li><li>• 842 Portland Street: 0.34 acres (0.14 hectares)</li></ul>	
Community Plan & Land Use By-law	Dartmouth	
Designation	Regional Plan: Urban Settlement Community Plan: Residential	
Zoning	CDD – Comprehensive Development District H – Holding	
Current Use	Contains a one level single detached dwelling and detached garage; the remainder of the site is vacant.	
Surrounding Uses	North: South: East: West:	Portland Street and Two-Unit Dwellings Townhouses Portland Hills Drive and the Portland Hills Commercial Plaza Single Unit Dwellings

## **Existing Policy**

### *Regional Plan*

Under the Regional Plan, the properties are designated Urban Settlement and are identified as an Urban Local Centre (Cole Harbour). The land use characterises of an Urban District Local Centre are a mix of low, medium and high density residential, commercial, institutional and recreation uses. The lands are also located within one of three existing designated growth areas identified in the Regional Plan<sup>1</sup>.

### *Dartmouth MPS and LUB*

Under the Dartmouth MPS, the lands are located within the Morris - Russell Lake Secondary Plan Area (MLSPA). The larger parcel at 836 Portland Street and a portion of the smaller parcel at 842 Portland Street (Map 2, Attachment A) are zoned Holding in the Dartmouth LUB. The Holding zone permits low density residential development. This zone has been in effect since the adoption of the Dartmouth MPS in 1978 and reflected deficiencies in the Dartmouth sanitary sewer system thus limiting the application of higher density zones on these properties. Despite subsequent upgrades to the system, the Holding zone still exists as the prevailing zoning in this area. Consistent with the Holding zone, the CDD Zone under the Dartmouth MPS also designates this parcel for low density development. The other portion of the smaller abutting parcel (842 Portland Street) is split zoned Holding and CDD. The CDD zoned portion is currently designated for commercial use under MPS policy. This irregular shaped parcel has a long frontage and reduced depth making the application of commercial somewhat limited (Map 2, Attachment A). The principal use of this parcel has been for signage and to accommodate a sales centre.

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<sup>1</sup> The other two existing designated growth areas are Bedford South and Bedford West

## **Proposal**

The proposed development is comprised of commercial/office and residential uses. The commercial/office portion of the proposed development is in the form of a strip plaza containing two buildings. In all 27,350 square feet commercial and office space is proposed to front Portland Street. To the rear of the site a 92 unit five storey multi-unit residential building is also proposed (Maps 3 and 4). The development is intended to reflect a neighbourhood village design by way of the grouping small-scale commercial/ office buildings with the separated multi-unit residential building at the rear of the site. The rear portion of the site is intended to be accessed principally by Portland Hills Drive. Buffering and landscaping at the south and west property lines are intended to mitigate impact and establish privacy to adjacent residential dwellings.

## **DISCUSSION**

The Dartmouth MPS is a strategic policy document which sets out the goals, objectives and direction for long term growth and development in the former City. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

The applicant has provided a rationale for their requested amendments which can be summarized as follows:

- *As the site is within close proximity to a growing commercial node and within proximity to a mass transit station an intensification of these lands is warranted to make better use of commercial services; and*
- *Potential for a small scale commercial/office uses coupled with the medium density multiple residential development would facilitate an increase in community activity in this area.*

Staff agree that higher density residential and commercial uses with accessible mass transit (the Portland Hills Terminal) would make for a more robust mixed use node on both sides of Portland Hills Drive. This combination of uses and services could better service the local community and are appropriate in an Urban Local Centre and existing designated growth centre. Retaining low density residential land use rights on the lands restricts this opportunity and underutilizes the site given its location. Given that the CDD recognizes commercial activity at this location staff advises that the overall development would further the intent to provide local commercial service in the area.

Traffic and access to Portland Street is a constraint at this location. All lands within the MLSPA are subject to a traffic study requirement in accordance with Policy ML-8 of the Cole Harbour/Westphal MPS. The Policy stipulates that a study must demonstrate acceptable service level impacts to Portland Street and Caldwell Road incurred by the proposed development in accordance with established guidelines. A localized traffic study has been submitted with the application and it is envisioned that the larger traffic analysis will form part of the future planning process should Council initiate the process to address Policy ML-8.

## **Process**

Staff acknowledge the limitation of the low density residential designation in the DA of the MLSPA which does not enable a commercial/ residential development in the proposed configuration. If the MPS amendment process is initiated, staff will work to identify the appropriate policy and regulatory control framework which would be sensitive to the existing development. Accordingly, in evaluating the site for mixed use development, the planning process would require parameters to achieve this aim as follows:

- changing permitted building heights;
- adding massing provisions;
- pedestrian and vehicular circulation;
- architectural requirements; and

- impact mitigation to adjacent residential development.

Should Council agree to initiate this application, in addition to consultation with residents and property owners, it is recognized that due diligence should be undertaken to consider compatibility with the existing neighbourhood.

### **Conclusion**

Staff advise that the proposal to consider a change to the MPS to support a mixed use development at this location is appropriate at this time. Therefore, staff recommends that Regional Council initiate the request to consider amending the Dartmouth MPS to facilitate development of the lands in manner as discussed above.

### **FINANCIAL IMPLICATIONS**

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

### **COMMUNITY ENGAGEMENT**

Amendments to the Dartmouth MPS and LUB involve community engagement and the engagement process will be consistent with the intent of the HRM Community Engagement Strategy, the *Halifax Regional Municipality Charter*, and the Public Participation Program approved by Council on February 25, 1997.

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 municipal plan and land use by-law 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**

None relevant to this report.

### **ALTERNATIVES**

1. Regional Council may choose to refuse to initiate the consideration of a site-specific MPS and LUB policy amendment process for 836 and 842 Portland Street, Dartmouth. A decision of Council not to initiate the MPS process is not appealable to the NS Utility and Review board as per Section 262 of the HRM Charter.

### **ATTACHMENTS**

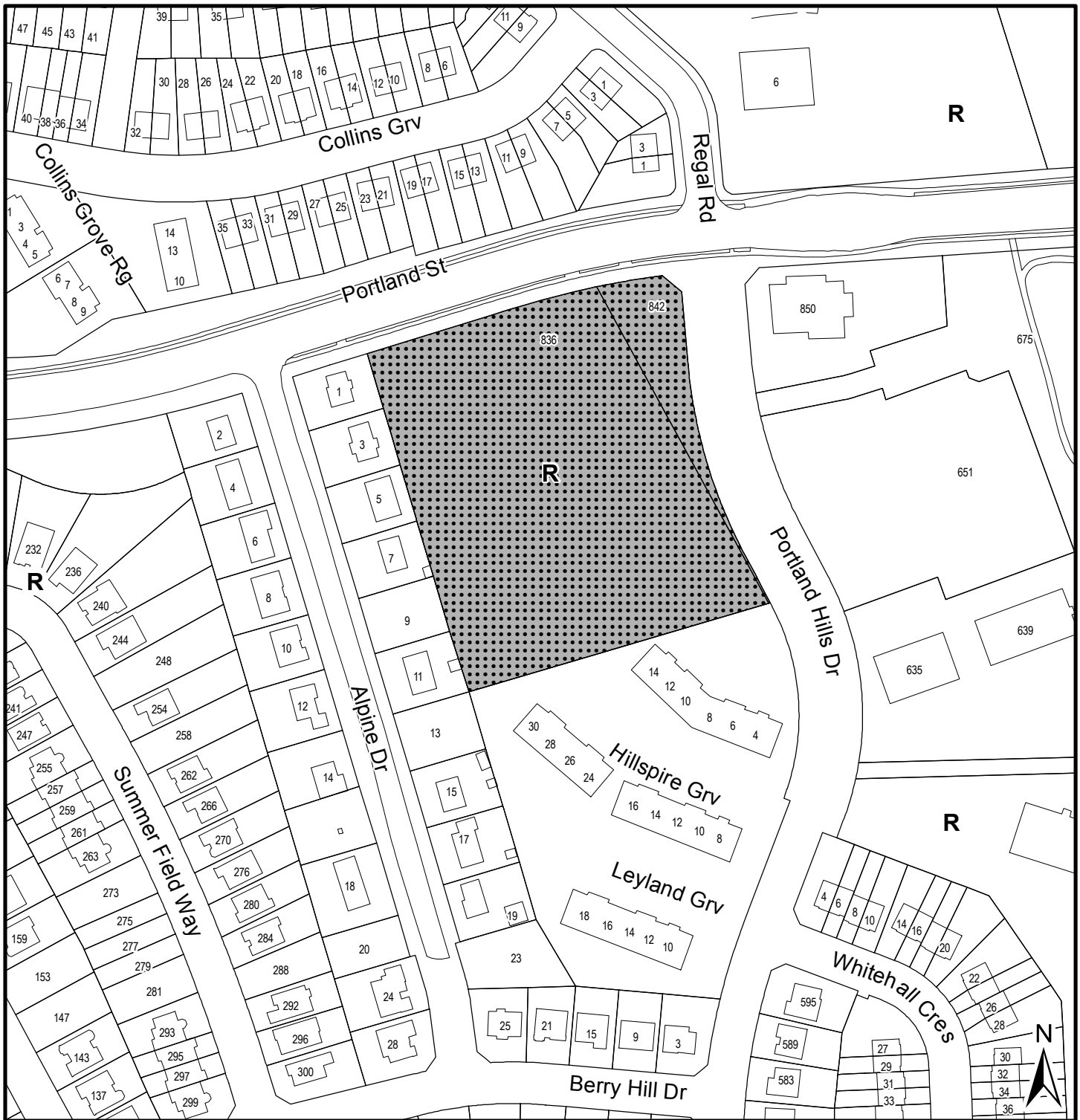
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Concept Site Plan
Map 4	3D View
Attachment A	Site Photo

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by: Kelly Denty, Manager of Development Approvals, 902-490-4800


Report Approved by: Bob Bjerke, Chief Planner and Director of Planning and Development, 902-490-1627



# Map 1 - Generalized Future Land Use

836, 842 Portland Street,  
Dartmouth

**HALIFAX**

 Subject Area

## Designation

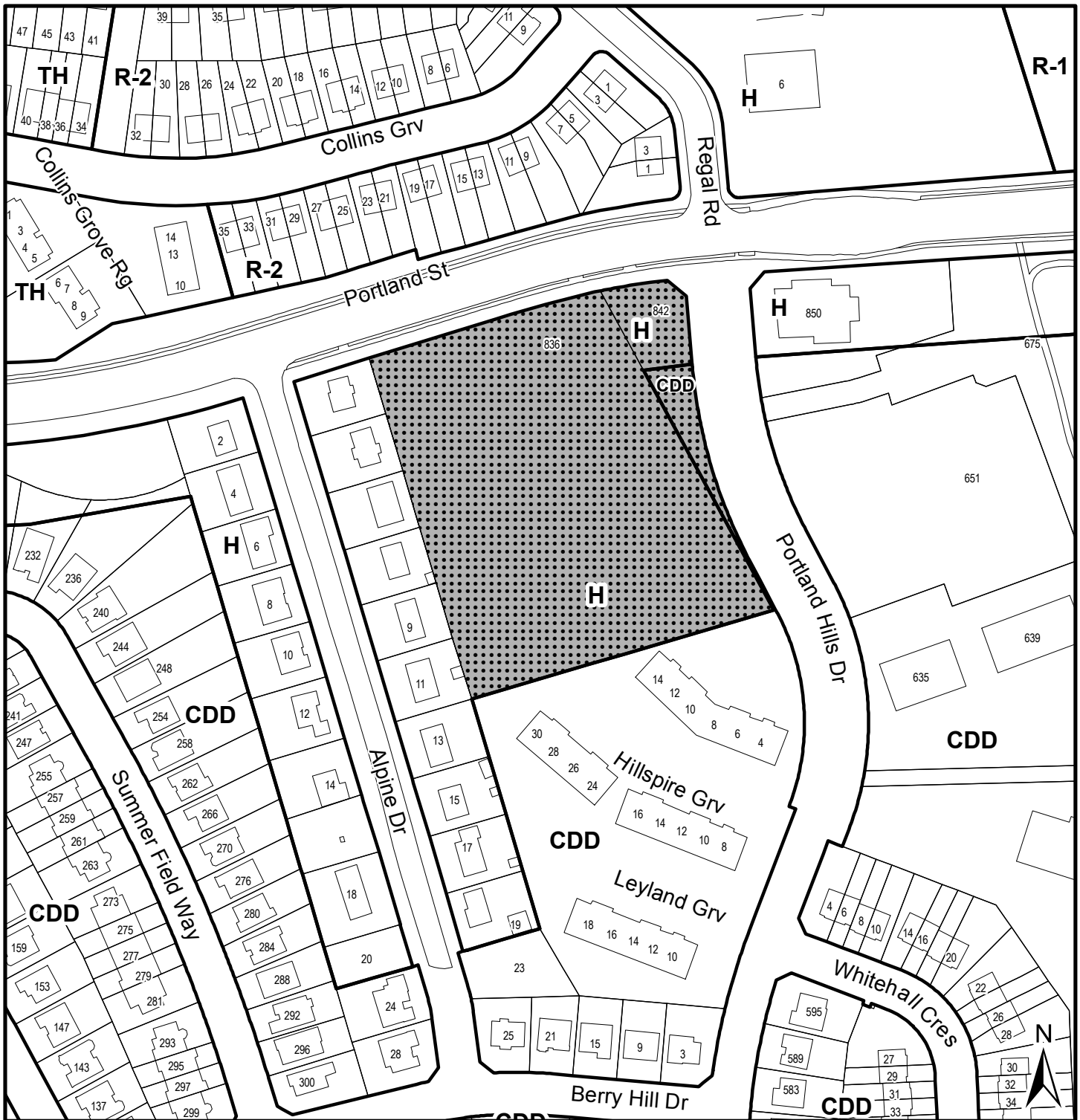
R Residential

Dartmouth  
Plan Area




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

The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Zoning

836, 842 Portland Street,  
Dartmouth

 Subject Area

Dartmouth  
Plan Area

### Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- TH Town Housing
- H Holding
- CDD Comprehensive Development District

0 20 40 60 m



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

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ALPINE DRIVE

PORTLAND HILLS DRIVE

PORTLAND STREET

PROPOSED BUILDING "A"  
11,100 SF COMMERCIAL

PROPOSED BUILDING "B"  
2,575 SF

PROPOSED BUILDING "C"  
19,825 SF RESIDENTIAL

PLAYGROUND  
4,800 SF  
PLAYGROUND  
AMENITY SPACE

BUILT-UP PODIUM

PARKING

POTENTIAL PATIO

POTENTIAL SLIP LANE

PEDESTRIAN PATH

8 CLASS B BIKE PARKING

DRIVE-THRU

TIME RESTRICTED LOADING ZONE

TIME RESTRICTED LOADING ZONE

P.L.D. # 00230821 & 41044733

GREEN BUFFER

GREEN BUFFER

GREEN BUFFER

PROPERTY LINE

RIGHT-IN

RIGHT-OUT

GROUND SIGN LOCATION AND SIZE TO CONFORM WITH 32E(18) AND 32E(21) OF LUB

11'-1"

98'-2"

190'-0"

29

60'-0"

20

20

47'-1"

40'-0"

5

119'-10"

40'-7"

85'-0"

227'-2"

117'-4"

19

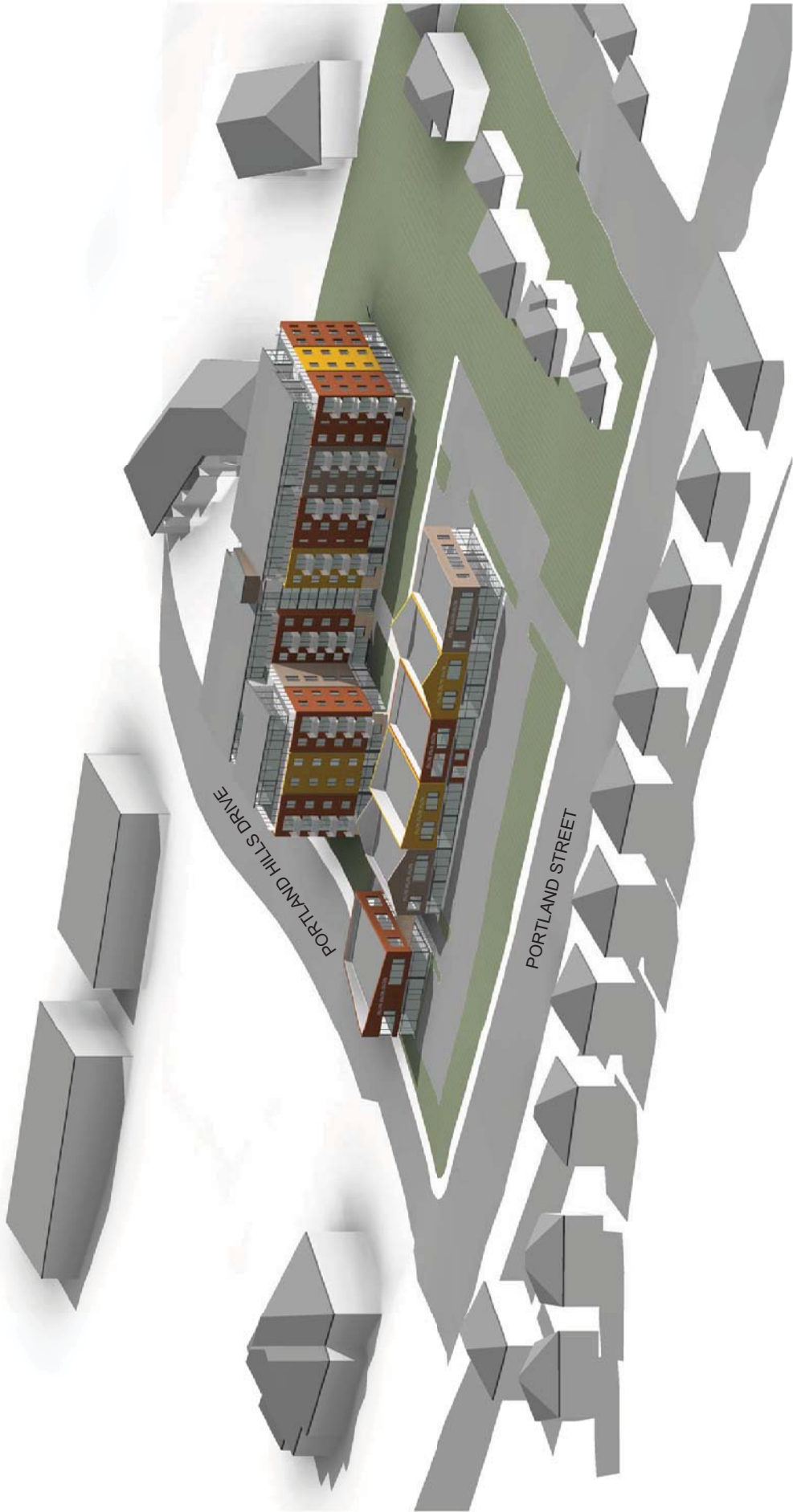
26

34'-4"

EXISTING 21 STOREY COMMERCIAL BUILDING

SDP





PORTLAND HILLS  
DEVELOPMENT

3D View 1

SCALE: NTS

DATE: 10 Nov 2014

WM  
GROUP

A11

Attachment A: Site Photo

