

Re: Item 11.1

HALIFAX

Public Hearing Case 20151

MPS Amendment and Development
Agreement for 31 and 33 Brewer Court,
Halifax

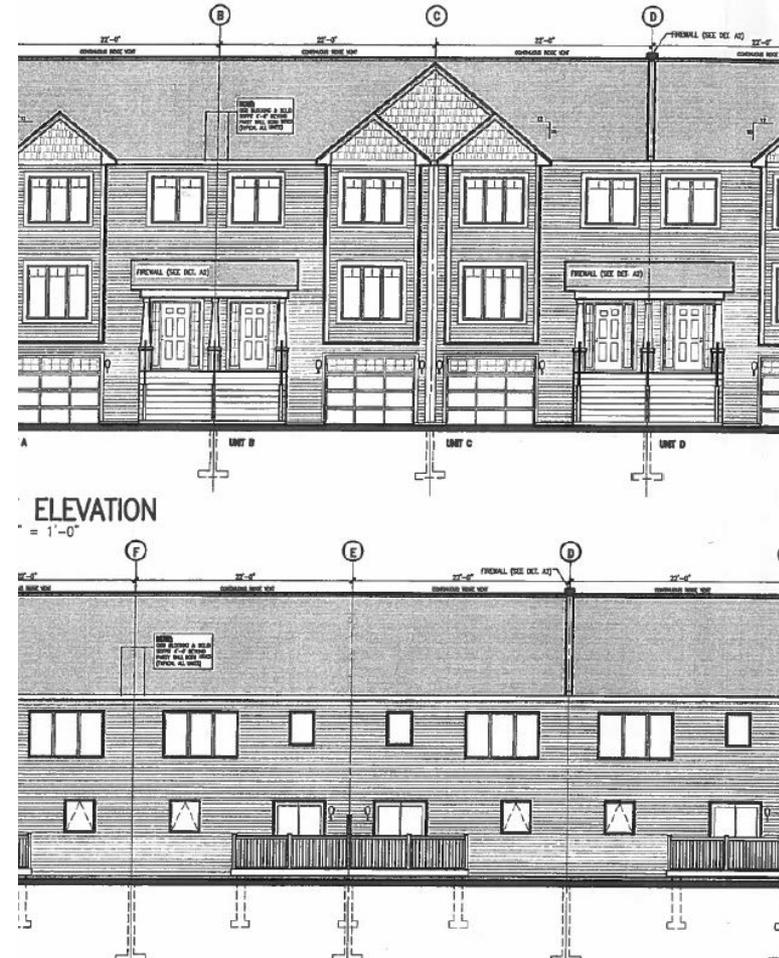
Halifax Regional Council
July 31, 2018

Applicant Proposal

Applicant: Banc Properties Limited

Location: 31 and 33 Brewer Court,
Halifax

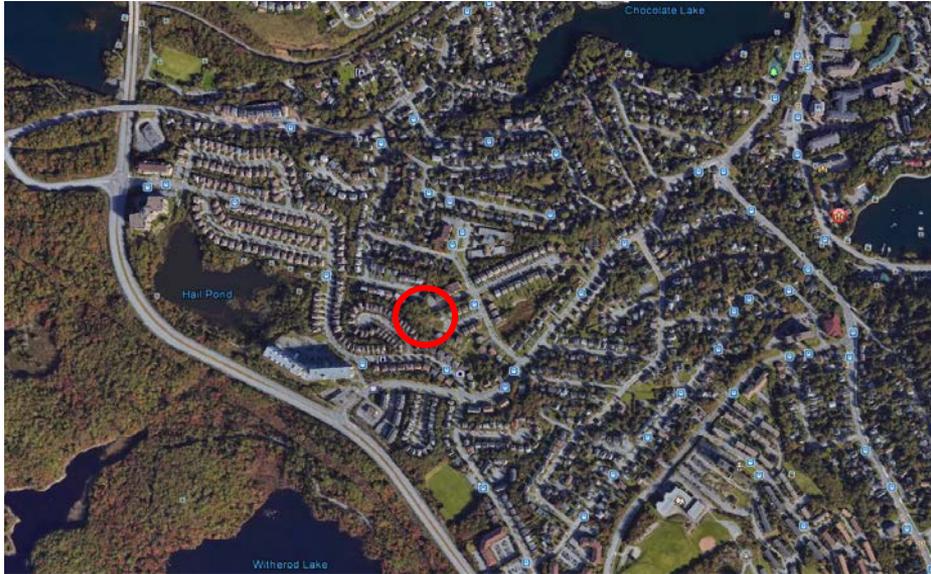
Proposal: Align GFLUM with existing property bounds to allow development of proposed townhouses completely within the enabling MDR designation. The development proposal is for a 6 unit townhouse and a semi-detached dwelling



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Site Context

31 and 33 Brewer Court, Halifax



General Site location



Site Boundaries in Red

Site Context



Subject site seen from cul-de-sac at Brewer Court towards semi-detached location

Site Context

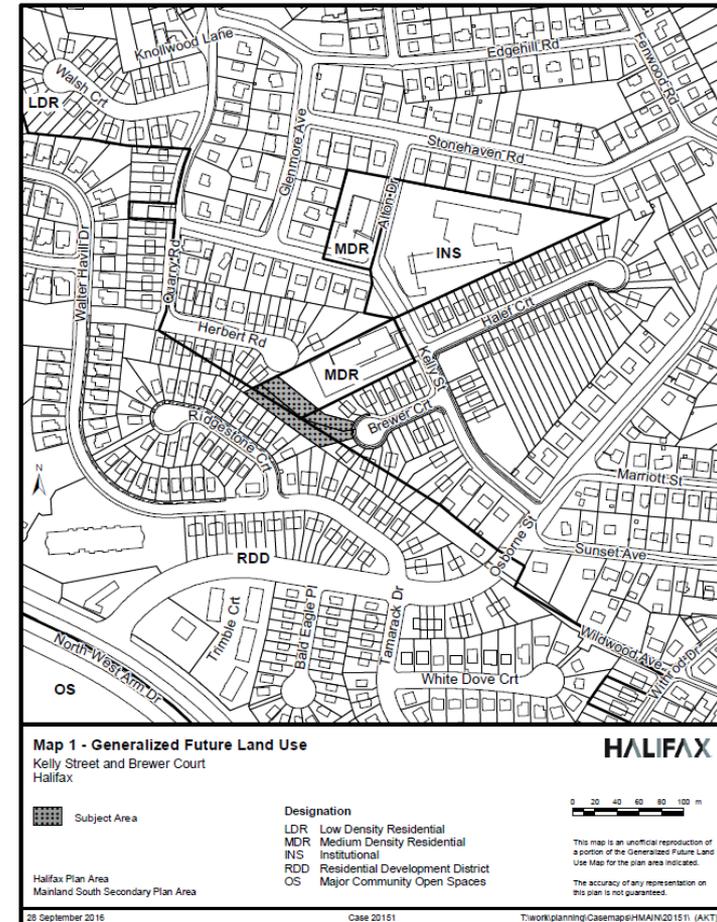


Subject site seen from the cul-de-sac at Brewer Court towards proposed townhouse location

Planning Policy

Mainland South Secondary Municipal Planning Strategy

- Medium Density Residential (MDR) designation enables, by Section X, Policy 1.3.4 of the Mainland South SMPS, this request.
- Low Density Residential (LDR) enables a semi-detached dwelling on the site. This residential form is permitted in both the LDR and RDD designations.
- In accordance with city wide policies that seek to permit redevelopment of portions of existing neighbourhoods at a compatible scale by means of infill or rehabilitation.



Land Use By-law

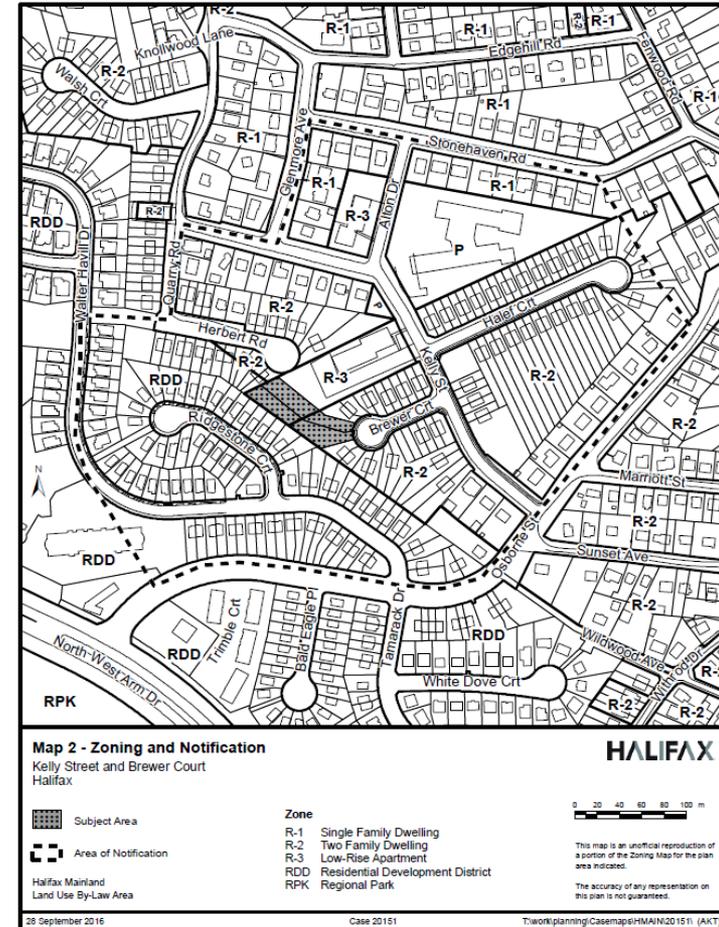
Halifax Mainland LUB

R-3 Zone:

- R-1, R-2, R-2T and R-2AM uses;
- stacked-attached housing;
- apartment house of four storeys or less;
- **day care facility (RC-Mar 3/09;E-Mar 21/09);**

R-2 Zone:

- all R-1 Zone uses;
- a semi-detached dwelling;
- a duplex dwelling;
- **a building containing not more than 3 apartments on the 3-unit Dwelling Site identified on ZM-26, subject to the requirements of Section 28C. (RC-Jun 10/14;E-Jul 26/14)**



MPS Amendment Considerations

- Amendments to the MPS should only be considered when circumstances have changed since the document was originally adopted
- Circumstances would need to change to the extent that the original land use policy is no longer appropriate

Public Engagement Feedback

- Level of engagement completed was **consultation** achieved through **a mail out notification** and **a public information meeting on April 17, 2017**
- Feedback from the community generally included the following:
 - Impact on existing traffic issues both on Brewer Court and Kelly Street;
 - On street parking on Brewer Court;
 - HRM protective services will have difficult time accessing townhomes due to parking on street;
 - Proposed semi-detached dwelling too close to existing dwelling;
 - Increased density and townhouse form not appropriate;

**Notifications
Mailed**



221

**Meeting
Attendees**



14

**Letters/Emails
Received**



8

Amendments Made Responding to Consultation

- Site access
 - Access point at cul-de-sac widened to accommodate firetrucks
- Buffer screening
 - Fence required along proposed driveway to townhouses to benefit abutting property

Proposed Policy

Mainland South Secondary MPS – Halifax Mainland LUB

Summary of the proposed amendments are as follows:

- Shift the designation boundary such that it follows the property boundary between the subject site and Stoneridge on the Park;
- The RDD designation will be removed from the site, and the LDR and MDR designations will be extended to their respective portions of the subject site;
- The LDR designation on the area of the subject site that fronts on Brewer Court will remain in place as the applicant's proposal is a semi-detached dwelling unit on that portion of the site and is enabled by the LDR designation; and
- The MDR designation applied to the northeast portion of the site will enable the townhouse style development being proposed.

Rationale for Proposed Policy

- Townhouses enabled in the MDR designation but the site must provide adequate physical area to accommodate the proposal by shifting the boundary;
- Subject site may be developed as an integral part of the urban fabric rather than a space that is neither a public open space or a visual amenity;
- The townhouse form is an appropriate transition between the existing apartment building to the east and the semi-detached dwellings to the west;
- Policies IM 7 (ii) and IM 8 of the Mainland South SMPS enable the designation boundary adjustment to be considered; and
- Without legally amending the designation boundary the development agreement request may not proceed.

Summary: Key Aspects of Proposed Development Agreement

- Permitted uses are a 6-unit townhouse and semi-detached dwelling;
- A landscape plan is required;
- The combined private driveway and service easement meets HRM requirements;
- Fencing is to be provided to screen 29 Brewer Court from the proposed private driveway;
- Architectural requirements are included;

Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which could be made without a formal Public Hearing. Instead, Community Council could authorize this change by resolution. Proposed Non-Substantive Amendments within this agreement include the following:

- Changes to the parking and landscaping measures and building materials are identified as non-substantive amendments; and
- Changes to the time of commencement and time of completion are identified as non-substantive amendments.

Process if Council were to Approve the Amendments

1. Joint Public Hearing for both the Municipal Planning Strategy amendments AND the Development Agreement
2. Regional Council approve the proposed amendments to the Municipal Planning Strategy
3. Province of Nova Scotia review and approval of the amendments
4. Supplementary Report to Community Council
5. Community Council consideration and approval of the Development Agreement

Staff Recommendation

Staff recommend that Regional Council:

Approve the proposed amendments to the Halifax Municipal Planning Strategy, as set out in Attachment A of the May 17th, 2018 staff report.

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Thank You