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February 13, 2022

Re: 541 Pleasant Street, Dartmouth, DA request to allow a 6-storey, mixed use commercial and residential building

Ms. Maggie Holm
Principal Planner, Urban Enabled Planning Applications, Current Planning
Planning and Development, HRM
P.O. Box 1749
Halifax, N.S.
B3J 3A5

Via email: holmm@halifax.ca

Dear Ms. Holm:

I represent 33411487 Nova Scotia Limited, the owners of the above-referenced property. I have been retained to assist in their application for a Development Agreement at 541 Pleasant Street in Dartmouth to allow for a 6-storey mixed use commercial and residential building.

Background

The subject property is presently zoned C-2, General Business Zone. This zone permits R-3 uses through a Development Agreement process.

Policy Support

In the Implementations' Policies' section, under the Zonings Subsection (IP-1C) the following applies:

(c) Zoning By-law

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. **The zoning by-law may use site plan approval as a mechanism to regulate various uses.** (RC-Sep 8/09; E Nov 14/09) It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H zone (Holding Zone). In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983). In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan.
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
 - (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use

(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:

- (i) type of use, density, and phasing
- (ii) emissions including air, water, noise
- (iii) traffic generation, access to and egress from the site, and parking
- (iv) open storage and landscaping
- (v) provisions for pedestrian movement and safety
- (vi) management of open space, parks, walkways
- (vii) drainage both natural and sub-surface and soil-stability
- (viii) performance bonds.

(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors

(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council

(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:

- (i) Council with a clear indication of the nature of proposed development, and
- (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community

(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

The overall goal of the Municipal Development Plan is to provide an orderly system of growth and development within the City, and in doing so, provide for an environment which will make Dartmouth a pleasant and safe place to live and work. Given the nature of this development, with the necessary public participation, the proposal is consistent with the policies and intent of the Municipal Development Plan.

The property is large enough to ensure minimal impact on the adjacent properties. Buffering screening, and landscaping measures will minimize the impact on residents of Mackenzie Street. In addition to the landscape measures, on the Eastern side of the main building, two storey townhouses, provide a transition to the residential scale of MacKenzie Street

HRM will not have any financial impacts due to this development. All associated costs will be borne by the developer. The adequacy of Sewer and Water services will be assessed by Halifax Water, to ensure capacity is available. South Woodside Elementary School (with a playground) is located directly across Everette Street, ensuring access to education and some recreation. Enrollment for 2021 is at 104 students. For perspective, this is the lowest enrollment since 2017. Available records do not go beyond that year.

This proposal fronts on Pleasant Street, which is a main arterial road in Dartmouth. Highway 111 is approximately 400 meters to the North. This development will be serviced by Halifax Transit 6B and 6C. There is a bus stop on Pleasant Street at the front of the building.

There is no danger of contamination of water bodies or courses. The nearest water body is Halifax Harbour which is approximately 270 meters away. Pleasant Street and an I-3 zoned property is between the harbour and 541 Pleasant Street. Given this context, public access to the Harbour will not be impeded.

There are no natural, historical buildings, features or sites in the immediate area. This development is on one footprint and will not require any extensions to truck facilities nor public services. This development will have positive economic and social effects on the neighbourhood and the city by providing affordable housing and neighbourhood level commercial/retail opportunities.

This proposal is not an obnoxious use.

We will incorporate any controls, methods or other means to ensure all aspects of (6) i to viii above are satisfied. Most provisions will be addressed through the DA.

There are no concerns with topography, watercourses, or other nuisance factors. The site had previously been used as an automobile-related business. The proposed use is less invasive.

Garbage collection will be arranged from the Everette Street under the building parking area.

We will agree to additional public input, to ensure the proposal has reasonable public support. This will likely be in the form of a PIM.

All necessary detail will be provided such that HRM staff have the information required to make a recommendation and that Council will be able to make an informed decision.

Policy IP-5

It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;
- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;
 - (ii) traffic generation, access to and egress from the site; and
 - (iii) parking;
- (c) adequacy or proximity of schools, recreation areas and other community facilities;
- (d) adequacy of transportation networks in, adjacent to, and leading to the development;
- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;
- (f) that mature trees and other natural site features are preserved where possible;
- (g) adequacy of buffering from abutting land uses;
- (h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and

This policy allows council to consider the scale of the new development with respect to the existing neighbourhood and the adequacy of buffering to abutting land uses. Many of these have been addressed under the zoning section of this letter. This proposal will bring a 6-storey building into the neighbourhood. However, only the east side (MacKenzie Street) has low density, R-2 zoning with single-family homes. All other areas surrounding the property are industrial, commercial or multi-unit introduce height into the area, but, given that much of the surrounding land use is commercial and industrial. To help minimize any negative impacts on the homes across the street on MacKenzie, the ground level and second levels of this proposal are townhouses, which offer a step-down from the multi-unit component of this proposal. Appropriate landscaping and tree buffering will ensure added protection.

The aforementioned policies and subsequent detailed responses clearly demonstrate that this proposal is compatible with the surrounding area. Through subsequent design stages, based on collaborative discussions, we will ensure that any impacts to neighbouring houses are minimized, if not eliminated.

Property Location and Zoning

Attachment 1, copied from Explore HRM illustrates the context with respect to the zoning of adjacent properties and those in close proximity. To the north, across Everett Street the zoning is R-2, with an elementary school located on the site. The zoning to the northwest is C-2, with a multi-unit apartment building on the site. To the west, across Pleasant Street, the zoning is I-3. Lands to the south are zoned C-2. The properties to the east, on MacKenzie Street are zoned R-2. There are 4 homes which are located across MacKenzie Street which would indirectly abut the proposed building.

Property Details

541 Pleasant Street is 36,789 sq. ft. in area and has approximately 210 feet of frontage on Pleasant Street, 195 feet on Everett Street and 275 feet on MacKenzie Street. The land is fully serviced with municipal sewer and water.

Summary

The property at 541 Pleasant Street is large enough to satisfy setback requirements to minimize impacts on adjacent properties, and has extensive frontage on three different Streets, allow for flexibility with respect to access and egress for both the residential and commercial components of the proposed development.

Request

Based on the preceding information and accompanying documentation, we respectfully request that HRM Planning and Development staff provide a positive recommendation for this development agreement. This will allow for much-needed housing and will offer a commercial component for the convenience of residents of the development and for those in the neighbourhood. .

Should you require any additional information, please feel free to contact me.

Yours very truly,

Stephen Adams
Stephen Adams Consulting Services Inc.