

Stephen Adams Consulting Services Inc.
410 McCabe Lake Drive
Middle Sackville, N. S.
B4E 0N6
(902) 497-8818

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Re: 3-5 Bruce Street Rezoning Application

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 am working with Mr. Tom Emodi of TEAL Architects who represents BM Group Holdings Limited., the owners of the above-referenced property. I have been retained to assist in their application for a rezoning of 3-5 Bruce Street to R-3, which would then allow for a Development Agreement application.

Background

The subject properties are presently zoned R-1, Single Family Residential.

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

The purpose of the Municipal Development Plan is to provide guidance to the decisions of City Council in the regulation of physical, social and economic development and the provision of public services and facilities. The overall goal of the 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. This proposal will satisfy the criteria established by 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

As is evident from the map (Attachment 1) and referenced in this letter, to the south, directly across Bruce Street, there are 4 single family homes, with the R-1 zone extending the length of Bruce Street. To the southeast, directly abutting the subject property is a 5 storey, multi-unit building with an R-3 zone. A property zoned C-3 directly abuts the subject property to the northwest, with a 2-storey commercial building onsite. The properties to the north and northeast across Woodlawn Road are zoned C-3, with numerous retail outlets onsite.

- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries

Appropriate buffering and screening, and access control will be addressed through the TIS and DA

If there are any incompatibilities with adjacent land uses, they will be addressed using screening, setback provisions or other means necessary to mitigate these issues which may arise

(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

There are no significant costs related to this development

(ii) the adequacy of sewer and water services and public utilities

Sewer and water services to this project are adequate. This will be conformed by Halifax Water

(iii) the adequacy and proximity of schools, recreation and other public facilities

An elementary school is 1.3 kms from this project. A junior high school is 1.5 kms away. Woodlawn Park (250m), Landrace Park (600m) and Russell Lake (300m) are all within walking distance.

(iv) the adequacy of transportation networks in adjacent to or leading to the development

Bruce Street intersects with Woodlawn Road, which is a 4-lane street.

(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas

There will be no sources of contamination and no water bodies or water courses in the area

(vi) preventing public access to the shorelines or the waterfront

Halifax Harbour is 2.24 kms from the site of this development. Public access will not be affected.

(vii) the presence of natural, historical features, buildings or sites

There are no natural, or historical features, nor building or sites at this location.

(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized

This project will be localized to this site only thereby not necessitating extensions to truck facilities or public services.

(ix) the detrimental economic or social effect that it may have on other areas of the city.

This project will not cause any detrimental economic or social effect. It will in, fact, provide much-needed housing.

(4) that the proposal is not an obnoxious use

This proposal will not be obnoxious.

(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

The use and density will be controlled through rezoning and the development agreement. The proposal is for a single building. As such, phasing is not a consideration.

(ii) emissions including air, water, noise

During construction, noise will be generated; however, all within the parameters as outlined in the Noise By-Law (N-200) This building will generate noise associated with the usual operation of a multi-unit building. Air and water emissions are insignificant, if at all.

(iii) traffic generation, access to and egress from the site, and parking

Vehicular parking spaces (43) and bicycle parking will be provided. The traffic generated will be consistent with that of a 44-unit building

(iv) open storage and landscaping

There will be no open storage. Landscaping, including but not limited to sod, trees, and shrubs will be planted, as defined by the DA.

(v) provisions for pedestrian movement and safety

The existing sidewalk on Woodlawn Road will remain in place. Pedestrian movement to and from this site will not be compromised

(vi) management of open space, parks, walkways

Open space associated with this project will be maintained by on-site staff

(vii) drainage both natural and sub-surface and soil-stability

Drainage is not of concern as there are no existing issues.

(viii) performance bonds.

Performance bonds as per regulations will be in place

(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

This site is flat, with an existing structure in place. There are no challenges from a topographical perspective. Drainage, sensitive areas nor any of the aforementioned concerns are of issue.

(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 (PIM?) 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

The project is described, in detail in the rezoning and DA application.

(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community

Any and all impacts (if any) will be mitigated or eliminated through the DA process

(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)

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;

All design components will be addressed through the DA process.

(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;

The height, size, bulk, density, lot coverage, lot size and lot frontage of the proposed building will be consistent with the LUB and shown in the accompanying drawings.

(ii) traffic generation, access to and egress from the site; and

Traffic generation will be addressed through the TIS

(iii) parking;

There are 43 indoor parking spaces and bicycle parking planned as part of this application

(c) adequacy or proximity of schools, recreation areas and other community facilities;

As noted above, an elementary school is 1.3 kms from this project. A junior high school is 1.5 kms away.

(d) adequacy of transportation networks in, adjacent to, and leading to the development;

Bruce Street intersects with Woodlawn Road, which is a 4-lane street.

(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;

Buffering, amenity space and landscaping will ensure compatibility with the surrounding neighbourhood.

(f) that mature trees and other natural site features are preserved where possible;

Given that there is an existing building on-site, there are few trees. Wherever possible, these will be retained.

(g) adequacy of buffering from abutting land uses;

Appropriate buffering will be addressed through the DA

(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and

The site is flat. As such altering land levels and slopes are not an issue.

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. 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. This proposal will rezone the property to R-3, which will in turn allow for a DA to consider bringing a 5-storey mixed-use building into the neighbourhood. To the south, directly across Bruce Street, there are 4 single family homes, with the R-1 zone extending the length of Bruce Street. To the southeast, directly abutting the subject property is a 5 storey, multi-unit building with an R-3 zone. A C-3 property directly abuts the subject property to the northwest, with a 2-storey commercial building onsite. The properties to the north and northeast across Woodlawn Road are zoned C-3, with numerous retail outlets onsite.

Property Details

3 and 5 Bruce Street have a combined 15,159 sq. ft. in area with 100' of frontage on Woodlawn Road and 200' of frontage on Bruce Street. The land is fully serviced with municipal sewer and water.

Summary

The properties at 3 and 5 Bruce Street have adequate area to satisfy setback requirements to minimize impacts on adjacent properties, and has frontage on 2 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 have any questions, or require any additional information, please feel free to contact me.

Yours very truly,

Stephen Adams
Stephen Adams Consulting Services Inc.