



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.1
Harbour East – Marine Drive Community Council
July 5, 2018

TO: Chair and Members of Harbour East – Marine Drive Community Council

SUBMITTED BY: Original Signed

Kelly Denty, Director, Planning and Development
Original Sigend

Jacques Dubé, Chief Administrative Officer

DATE: June 20, 2018

SUBJECT: **Case 20269: Development Agreement – 307 Prince Albert Road and 5
Glenwood Avenue, Dartmouth**

SUPPLEMENTARY REPORT

ORIGIN

- Application by Monaco Investments Partnership to enable the development of an 8-storey multi-unit residential building containing ground floor commercial uses.
- April 5, 2018 motion of Harbour East – Marine Drive Community Council which was put and passed:

That Harbour East -Marine Drive Community Council:

1. *Adopt the amendments to Schedule A of the Dartmouth Land Use By-law, as set out in Attachment A of the staff report dated September 29, 2017;*
2. *Reject the draft development agreement as outlined in Attachment B of the staff report dated September 29, 2017; and*
3. *Request that staff return to Harbour East – Marine Drive Community Council with a revised development agreement based on the updated applicant proposal outlined in the supplementary information report dated March 6, 2018.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Harbour East – Marine Drive Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment A of this report, to allow for an 8-storey multi-unit residential building containing ground floor commercial uses, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially in the same form as set out in Attachment A of this report; and
3. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Monaco Investments Partnership has applied for development of an 8-storey multi-unit residential building with ground floor commercial uses on a site at the intersection of Prince Albert Road and Glenwood Avenue, Dartmouth (Map 1). To achieve this development, the applicant is required to enter into a development agreement with the Municipality.

Subject Site	307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth
Location	Southeast corner of the Prince Albert Road and Glenwood Avenue intersection
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Commercial (C) for the northern portion of 307 Prince Albert Road and Residential (R) for the balance of 307 Prince Albert Road and 5 Glenwood Avenue under the Dartmouth Municipal Planning Strategy (MPS)
Zoning (Map 2)	307 Prince Albert Road is zoned GC (General Commercial) and 5 Glenwood Avenue is zoned R-4 (Multiple Family Residential – High Density) under the Dartmouth Land Use By-law (LUB)
Size of Site	Approximately 2,388 square metres (25,705 square feet)
Street Frontage	Approximately 32 metres (105 feet) of frontage along Prince Albert Road and approximately 77 metres (253 feet) of frontage along Glenwood Avenue.
Site Conditions	There are two existing buildings on the site – a funeral home and a two-unit dwelling
Current Land Use(s)	307 Prince Albert Road is currently occupied by a funeral home, while 5 Glenwood Avenue is occupied as a two-unit residential building
Surrounding Use(s)	The surrounding area is comprised of commercial, residential, and open space uses including: <ul style="list-style-type: none"> • a car repair garage and an auto parts dealership; • a supermarket; • a hotel; • a combination of a retail fuel outlet, convenience store, and two restaurants; • low-density residential house forms; • multi-unit residential buildings; and • Kiwanis Grahams Grove Park and Lake Banook Regional Park.

Proposal

The applicant proposes to remove the existing buildings on the subject site and construct an 8-storey multi-unit residential building containing ground floor commercial uses. Further detailed elements of the proposal are as follows:

- A maximum of 90 dwelling units;
- A minimum of 33% of the dwelling units shall consist of 2 or more bedrooms;
- Up to 605 square metres of the ground floor level of the building may be occupied by commercial uses permitted under the GC (General Commercial) Zone;
- Vehicular parking will be internal to the building and will contain a minimum of one parking space per dwelling unit; and
- 16 parking spaces will be reserved for the commercial uses.

Recent Application History

On December 7, 2017, Harbour East – Marine Drive Community Council held a public hearing on a proposal for the following:

- 1) to rezone 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
- 2) to rezone 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
- 3) to enter into a development agreement with the Municipality to allow for a 9-storey multi-unit residential building with ground floor commercial uses on the subject lands.

Public interest and input generated at the meeting was extensive and largely in opposition to the proposal. After allowing all interested parties to speak, the public hearing was closed.

The motion for Community Council's consideration after the closure of the hearing was:

Moved by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East – Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use By-law, as set out in Attachment A of the staff report dated September 29, 2017.

Community Council chose to exercise its right to defer a final decision on the motion above and the following motion was adopted instead:

Moved by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

That motion provided direction for staff to engage the applicant to determine their preferred approach. Following a period of discussion, the applicant indicated they were agreeable to an amended proposal as follows:

- Reduce the number of storeys from nine to eight;
- Proceed immediately with the proposed rezoning based on the December 7, 2017 public hearing in advance of approval of the development agreement; and
- Proceed with the approval process for the development agreement at a later date based on the revised building design (would require a new public hearing).

On April 5, 2018, Community Council approved both rezonings, but rejected the development agreement for the 9-storey building. In its decision to reject the development agreement, Council cited the incompatibility of a 9-storey building with existing neighbourhood uses.

Enabling Policy

Policy IP-5 of the Dartmouth MPS requires that all proposals for multi-unit residential developments within the R-3, R-4, C-2, MF-1 and GC Zones be considered through the development agreement process.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area (Map 2), and a public information meeting held on January 21, 2016 (10-storey proposal). Attachment B contains a copy of the minutes from the meeting. A public hearing held on December 7, 2017, by Harbour East – Marine Drive Community Council for a 9-storey proposal also yielded additional comments. Attachment C contains a copy of the minutes from the public hearing.

A public information meeting specific to the revised development agreement proposal (8-storey building) was deemed unnecessary due to the level of comments received during the January 21, 2016 public information meeting and the December 7, 2017 public hearing. The revised proposal is almost identical to the one that was before Council on December 7, 2017, except for the loss of one storey.

The public comments received during the previous public information meeting and the previous public hearing can be grouped under the following topics:

- Compatibility with surrounding neighbourhood;
- Commercial development along Glenwood Avenue;
- Potential impacts on Lake Banook's paddling course;
- Traffic issues;
- Safety of intersection;
- Parking;
- Lack of sidewalks along Glenwood Avenue; and
- Privacy concerns.

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider approval of the revised development agreement. Should Harbour East – Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The development agreement proposal will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and businesses.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that the proposed development is reasonably consistent with the intent of the MPS. Attachment D provides an evaluation of the proposed development agreement in relation to the relevant MPS policies. During the public information meeting held on January 21, 2016 (10-storey building proposal) and the public hearing held on December 7, 2017 (9-storey building proposal), several concerns were raised by area residents (see Community Engagement section above). These concerns were assessed against the relevant MPS policies and are discussed below.

Compatibility with Surrounding Neighbourhood

Land Use

The proposal is for an 8-storey residential building with ground floor commercial uses on the portion of the ground floor closest to Prince Albert Road. In terms of land uses, the proposal is compatible with other surrounding uses. A good portion of adjacent lands fronting on Prince Albert Road are presently zoned C-2 (General Business). Current businesses on these lands include a Sobeys Fast Fuels gas station, a Needs Convenience store, a Robins Donuts, a Captain Submarine, a car repair garage (Yuille Auto Works), a NAPA Auto Parts store, and an Atlantic Superstore. In addition, there is an established hotel (Hearthstone Inn) located just to the east of the subject site on Lawrence Street.

The residential nature of the rest of the proposed building is also in keeping, from a land use perspective, with multi-unit residential buildings located on Lawrence Street, as well as the Banook Shores development located at 271-275 Prince Albert Road (two blocks to the west of the site). Multi-unit residential developments are also compatible from a use perspective with low-density residential, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as is the case with this portion of Prince Albert Road.

Height, Massing, and Scale

In terms of height (8 storeys; 27 metres), the proposed building would be the tallest in the general area when compared to what currently exists. The next highest building in the area would be the Banook Shores development at 5 storeys (approximately 15.5 metres at its highest point). In an earlier staff report to Community Council (report dated September 29, 2017), staff advised that a 9-storey building was at the upper range of what is acceptable, in terms of compatible building height for this location. The original design for a 10-storey building, which went to a public information meeting in January of 2016, was stated as being incompatible by staff.

Staff advises that the impact of the proposed building on adjacent uses and the existing development form in the area, from a scale standpoint, will be minimized by how the building height and massing is distributed on the site. This distribution can be summarized in four points:

1. The building will transition down in height towards #7 Glenwood Avenue from 8 to 7 storeys and then to 4 storeys;
2. A change in grade and an approximate 6-metre landscaped buffer between the proposed mixed-use building and #7 Glenwood Avenue will provide a further transition. This design intervention will tend to diminish the appearance of the four-storey portion of the new building, making it look as if it is only 3 to 3.5 storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue;
3. The proposed building will have two stepbacks in its massing along Glenwood Avenue (above the ground floor and above the 6th storey), which will help minimize the impact of the overall bulk of the building along this street; and
4. The 8th storey penthouse will be located exclusively on the commercially-zoned portion of the site and will cover no more than 30% of the roof area.

Density

The building is proposed to contain up to 90 dwelling units, which would result in a maximum density of approximately 152 units per acre (377 units per hectare). This proposed density is much higher than the existing density along Glenwood Avenue, which has been estimated to be between 5-10 units per acre based on an average lot size of 8,000 square feet and the R-2 (Two Family Residential) zoning assigned to these lands. The proposed density is also much higher than the densities of multi-unit residential buildings in the nearby area such as Banook Shores [30 units per acre; (73 units per hectare)], 8 Lawrence Street [65 units per acre; (161 units per hectare)], and 9 Lawrence Street [105 units per acre; (260 units per hectare)]. However, higher densities are acceptable on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as in the case with this portion of Prince Albert Road. Moreover, the density that is being proposed for the subject site is not dissimilar to

other densities that have been approved elsewhere in the Municipality¹, in recent years, under comparable transitioning contexts.

Commercial Development along Glenwood Avenue

The ground floor commercial uses that are being proposed as part of this application are to occur entirely on the lot identified by civic number 307 Prince Albert Road, which is zoned GC (General Commercial). The GC Zone allows for a wide variety of commercial uses as-of-right. Therefore, the entering into a development agreement would not increase the commercial development potential of the lot beyond what is already allowed within the existing zone.

Potential Impacts on Lake Banook's Paddling Course

The subject site falls just outside of the "Lake Banook Canoe Course Area" (Map 9s of the Dartmouth MPS), which places a 35-foot height restriction on new construction adjacent to Lake Banook to protect the paddling course from adverse wind conditions. Some residents have indicated concern that the proposed development agreement allows for a height of 27 metres on the subject site, which is approximately 16.3 metres higher than what would be allowed under the height restriction applied to neighbouring properties. However, HRM and the community have already determined the limits of potential wind impacts and established restrictions accordingly. It is also important to note that a minimum distance of 135 metres separates the subject site from the lake boundary.

Traffic Issues and Safety of Intersection

A Traffic Impact Analysis was prepared by WSP Canada Inc. and submitted as part of the application. It concluded that the site generated trips from the proposed development are not expected to have any significant impact on the performance of Prince Albert Road, Glenwood Avenue, or the regional road network. HRM Traffic Management staff have reviewed the analysis and accepted its findings. Traffic Management staff have also reviewed vehicle collision data from Halifax Regional Police over a three-year period (2014-2017) and advise that there are no inherent safety issues with the intersection of Prince Albert Road and Glenwood Avenue. It was concluded that upgrades to the existing stop-controlled intersection are not warranted.

Parking

The applicant is proposing one parking space per dwelling unit. A 1:1 ratio of parking space to residential unit is higher than what is being provided in the vast majority of urban projects on transit routes and is more than sufficient to meet the parking needs of the residential component. Additionally, 16 spaces will be reserved for the ground floor commercial uses.

Sidewalks on Glenwood Avenue

There is a near complete absence of sidewalks along Glenwood Avenue, except for a small portion of sidewalk fronting the subject site. If approved, the development agreement will require an extension of the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the subject site and civic number 7 Glenwood Avenue. This would help ensure the safety of pedestrians as they navigate around the site.

Privacy Concerns

Privacy concerns have been raised with this project and staff advise that #7 Glenwood Avenue stands to be the most impacted in this regard. However, the transitioning down in height of the proposed building to #7 Glenwood Avenue, a change in grade, and the proposed landscaped buffer will all help in mitigating these concerns.

Conclusion

¹ E.g. St. Joseph Square on Gottingen Street which has a built density of 129 units per acre (319 units per hectare).

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Dartmouth MPS. It is therefore recommended that the proposed development agreement be approved.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-19 C310 Urban and Rural Planning Applications budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the Nova Scotia Utility and Review Board. Information concerning risks and other implications of approving the proposed development agreement is contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report. A decision of Council to approve this development agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East – Marine Drive Community Council may choose to refuse the proposed development agreement, and, in doing so, must provide reasons why the proposed development agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Attachment A	Proposed Development Agreement
Attachment B	Public Information Meeting (PIM) Summary – January 21, 2016
Attachment C	Public Hearing (PH) Minutes Case 20269 – December 7, 2017
Attachment D	Review of Relevant Municipal Planning Strategy Policies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Luc Ouellet, LPP, Planner III, 902.490.3689

Original Signed

Report Approved by: Steven Higgins, Manager of Current Planning, 902.490.4382
