



P.O. Box 1749  
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**Item No. 13.1.1**  
**Harbour East Marine Drive Community Council**  
**February 1, 2018**

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

**SUBMITTED BY:** ORIGINAL SIGNED  
\_\_\_\_\_  
Kelly Denty, Acting Director, Planning and Development

**DATE:** January 17, 2018

**SUBJECT:** Case 21490: Rezoning for Lands at 9 Veterans Avenue, Dartmouth

**ORIGIN**

Application by Teal Architects and Planners, on behalf of St. Luke's Anglican Church

**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 First Reading to consider approval of the proposed amendment to the Dartmouth Land Use By-law, as set out in Attachment A, to rezone a portion of lands at 9 Veterans Avenue from the R-3 (Multiple Family Residential-Medium Density) Zone to the S (Institutional) Zone, a portion of the lands from the R-1 (Single Family Residential) Zone to the S Zone, and a portion of the lands from the R-3 Zone to the R-1 Zone and schedule a public hearing;
2. Adopt the amendment to the Dartmouth Land Use By-Law, as set out in Attachment A.

## **BACKGROUND**

Teal Architects and Planners, on behalf of St. Luke's Anglican Church, have requested to subdivide and rezone a portion of lands at 9 Veterans Avenue, Dartmouth, to create a new lot and construct a three-story building for emergency accommodations for women and children fleeing intimate partner violence (Bryony House).

<b>Subject Site</b>	Approximately 2,165.5sq. m (23,310 square feet) in area of PID no. 00175646 which has frontage on Tacoma Drive
<b>Location</b>	North of St. Luke's Anglican Church, fronting along Tacoma Drive
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Residential (R) and Main Street Designation (MS) - Town Residential Sub-Designation, under the Dartmouth Municipal Planning Strategy
<b>Zoning (Map 2)</b>	R-1 (Single Family Residential) zone and the R-3 (Multiple Family Residential Zone- Medium Density) under the Dartmouth Land Use By-law
<b>Size of Site</b>	2,165.5 sq. m (23,310 sq. feet) of the total 7,646 sq. m (82,300 sq. feet) of the existing lot
<b>Street Frontage</b>	Approximately 84 m (275 feet) of frontage on Tacoma Drive, and 53 m (174 feet) of frontage on Veterans Avenue.
<b>Current Land Use(s)</b>	Vacant/Church parking lot
<b>Surrounding Use(s)</b>	The surrounding area is comprised of a mix of uses including: <ul style="list-style-type: none"><li>- Commercial (retail/restaurant) to the west (Main Street) and southwest (Westphal shopping centre)</li><li>- Institutional (Church) to the south and east</li><li>- Single family dwellings to the south and east</li></ul>

### **Proposal Details**

The proposed subdivision will create two lots. An R-1 lot, housing the St. Luke's Anglican Church, having frontage on Veteran's Avenue. A second vacant lot would be created on Tacoma Drive to the rear of the existing church. The proposed rezoning would allow development of this lot for a three storey building for emergency accommodations for women and children fleeing intimate partner violence.

The major aspects of the proposal are as follows:

- The existing St. Luke's Anglican Church will remain unchanged on a smaller lot in compliance with the R-1 Zone requirements.
- The proposed new building would be owned and managed by the Halifax Transition House Association (HTHA).
- Should Council approve the proposed rezoning application, the development of any building would be considered through the separate as-of-right permitting process.

Council should note that the proposed rear lot line does not align with the existing zoning and designation boundaries. While this does not materially impact the proposed development, it is desirable to align regulatory boundaries with property lines whenever possible. In order to accomplish this, three portions of the lands will need to be rezoned to accommodate the request as follows (descriptions of the rezoning steps in this report directly reference these three areas):

Area 1: A portion of land approximately 24,781 square feet (2,302 square meters) in area, fronting on Tacoma Drive will be rezoned from the R-3 Zone to the S Zone;

Area 2: A portion of land approximately 1,519 square feet (141 square meters) in area, along the rear property line, will be rezoned from the R-1 Zone to the S Zone; and,

Area 3: A portion of land approximately 3,406 square feet (316 square meters) in area, along the rear property line, will be rezoned from the R-3 Zone to the R-1 Zone.

### **Enabling Policy and LUB Context**

Planning policy for this site is based on the Dartmouth Municipal Planning Strategy. The portion of the subject property along the Veteran's Avenue is designated Residential (R). The remaining portion along Tacoma Drive is within the Main Street Designation (MS) - Town Residential Sub-Designation (Map 2).

Similarly, a portion of the lot fronting on Veteran's Avenue is zoned R-1 (Single Family Residential). The portion of the lot fronting on Tacoma Drive is zoned R-3 (Multiple Family Residential Zone-Medium Density).

### Area 1: R-3 (Multiple Family Residential zone- Medium Density) to S (Institutional) zone

The R-3 Zone permits R-1, R-2, and townhouse uses, lodging houses, group homes (not more than 12 residents), and a day care facility (within the Main Street Designation). The R-3 Zone allows multiple family developments by development agreement only, except for those properties within the Main Street Designation which may proceed as-of-right, if the conditions in the Land Use Bylaw are met.

Policy C-60 allows the consideration of, within the Main Street - Town Residential Sub-Designation, the development of similar uses on properties which abut one another, through amendments to the Land Use Bylaw. This policy provides for the development of uses which are permitted by the zone of the abutting property within the abutting sub-designation. In this instance, the abutting sub-designation is the Neighborhood Edge Sub-Designation and it allows for "small institutional uses, provided that developments shall be in a low-rise house form". The abutting properties are zoned NLW (Neighborhood Live-Work Zone) which permits institutional uses.

Further, Implementation Policy IP-1 ensures that developments are compatible and consistent with adjacent uses in terms of use, bulk, and scale, and that provisions for landscaping and buffering are in place to reduce potential incompatibilities with adjacent land uses. Attachment B contains a copy of the relevant policies from the Dartmouth MPS as well as a staff assessment as to how this proposal meets these policies.

Please note that Policy C-60 refers to 'Map 9x (Main Street Generalized Future Land Use Map)', however staff have identified this as a typographical error as the Main Street Generalized Future Land Use Map is labeled Map 9y. There is no Map 9x in the Dartmouth MPS, and Map 9X illustrates amendments to the Burnside Industrial Business Park.

### Area 2: R-1 (Single Family Residential) zone to S (Institutional) zone

This portion of land will become part of the new lot fronting on Tacoma Drive, and rezoning this portion from R-1 to S is required to permit the proposed institutional use. Policy IP-1(b) allows the consideration of local institutional land uses in the Residential Designation of the Dartmouth MPS. As noted above, Attachment B provides additional information on how the proposal meets policy.

### Area 3: R-3 (Multiple Family Residential zone- Medium Density) to R-1 (Single Family Residential) zone

This portion of land will remain under the ownership of and use by the Church, therefore rezoning this portion from R-3 to R-1 better aligns the zoning with the future lot lines. Policy IP-1(b) allows the consideration of single family residential land uses, which permits places of worship and associated halls, within the Residential Designation.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community 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 500ft notification area and a public information meeting held on Monday, January 15, 2018 from 7pm-8pm, at which 43 people attended. Attachment D contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Building height and design impacting views from residential property.
- Amount of landscaping and screening from residential properties.
- Support for the proposed use by many, however at least one attendee mentioned not being in support of the re-zoning due to worry regarding safety of residents surrounding the proposed use.

A public hearing must be held by Harbour East Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should 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 HRM website will also be updated to indicate notice of the public hearing. The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed LUB amendment that would rezone the subject site to the S (Institutional) Zone. The Attachment also outlines smaller portions of land to be rezoned from the R-3 Zone to the R-1 Zone, and from the R-1 Zone to the R-3 Zone to better align the property boundaries with the zoning boundaries.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

### **Compatibility with Existing Neighborhood**

The surrounding neighborhood consists of a mix of single family residential, commercial (retail/restaurant), and institutional uses with two churches located within three blocks of the property. Temporary emergency housing provides a community service and serves as an institutional use which is not currently present, but is consistent with other local institutional uses.

The building is proposed at 3 storeys (38 feet) which is less than the maximum permitted height of 45 feet, as per Schedule AF of the Dartmouth Land Use Bylaw (LUB). The proposed building provides an appropriate transition from the larger scale commercial properties along Main Street, to the single family residential neighborhood located adjacent to the property.

There has been extensive engagement with the proponents on this file to date and staff are highly confident the proponents intend to carry out the development in accordance with the building plans as described in this report. However, Council should note the rezoning process does not allow approval to be granted subject to a particular building design. Should the proposed rezoning be approved, any alternate building configurations that meet the new zoning requirements would be entitled to a Development Permit.

Council should be aware the proposed building requires a variance from the front yard setback requirements in the Institutional Zone. This variance is required to:

- provide maximum separation from the existing low density residential uses to the south and east

- make efficient use of a site that is constrained by an awkward lot configuration; and,
- accommodate unfavourable topographic conditions.

The variance process is not directly related to the proposed rezoning and does not require any action by Council at this time.

### **Comparison of R-3 Zone and the S Zone**

The R-3 Zone permits a range of uses including R-1, R-2, townhouse uses, apartment buildings (by development agreement), lodging houses, a group home (not more than 12 residents), and a day care facility (within the Main Street Designation).

If re-zoned, the Institutional Zone permits the P (Park) Zone uses which includes: sports clubs, either public or private, public or private community purpose buildings, hospitals, schools, colleges, universities, masteries, libraries, museums, art galleries, and other institutions of a similar nature, health clinics, long term care facilities, day nurseries, and places of worship and associated halls.

The proposed institutional building will provide temporary housing, as well as a health clinic, and counselling services. The proposed use is considered of a smaller institutional scale use; however, it is important to note the array of uses permitted in the Institutional Zone.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed rezoning to the S (Institutional) Zone is consistent with the uses and scale of the neighborhood and contributes to an appropriate transition from the Main Street commercial to the surrounding low-density residential neighbourhood. The proposed rezoning to the R-1 (Single Family Residential) Zone from the R-3 (Multiple Family Residential- Medium Density) Zone is consistent with the existing church use at 9 Veterans Avenue, and prevents a residual piece of R-3 zoned land from remaining. Therefore, staff recommend that the Harbour East Marine Drive Community Council approve the proposed LUB amendment as set out in Attachment A.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations incurred. The administration of the land use bylaw amendment can be carried out within the approved 2017/2018 C310 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 N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are 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 LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East Marine Drive Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification

Attachment A: Proposed Amendment to the Dartmouth Land Use Bylaw  
Attachment B: Review of Relevant Policies from the Dartmouth MPS and LUB

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

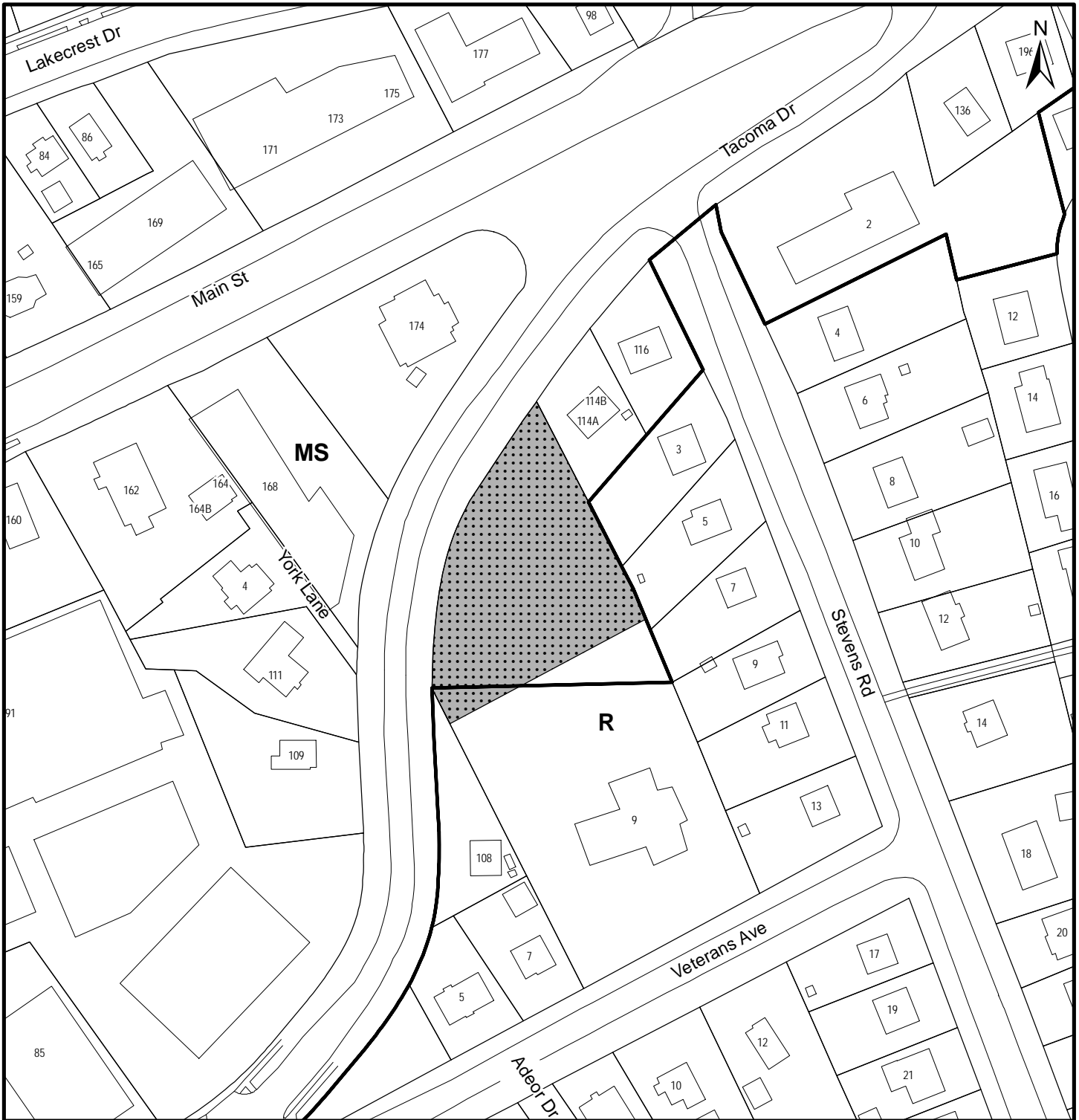
Report Prepared by: Brittney MacLean, Planner II, Current Planning, 902.490.7175

Report Approved by: ORIGINAL SIGNED  

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Maggie Holm, Principal Planner, Current Planning, 902.293.9496

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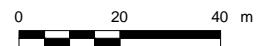
**Map 1 - Generalized Future Land Use  
9 Veterans Avenue  
Dartmouth**

**HALIFAX**

 Subject Site

**Designations**

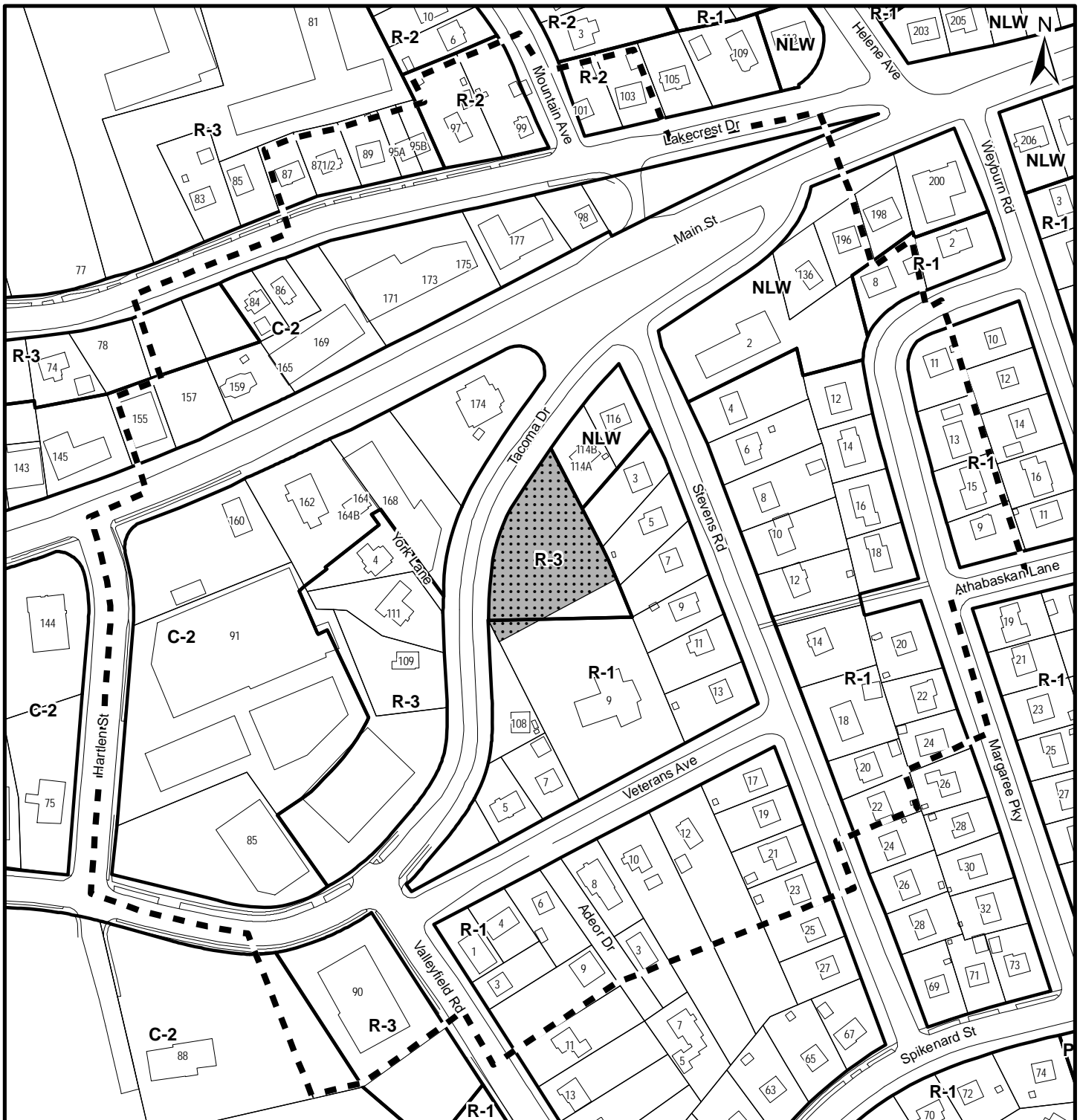
R Residential  
MS Mainstreet



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.

Dartmouth  
Plan Area



**Map 2 - Zoning & Notification**  
**9 Veterans Avenue**  
**Dartmouth**



-  Subject Site
-  Area of notification

- Zone**
- R-1 Single Family Residential
  - R-2 Two Family Residential
  - R-3 Multiple Family Residential (Medium Density)
  - C-2 General Business
  - NLW Neighbourhood Live-Work
  - P Park



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

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

Dartmouth Land  
 Use By-Law Area



**ATTACHMENT A**

**Proposed Amendment to the Dartmouth Land Use By-law**

**BE IT ENACTED** by the Harbour East Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby further amended as follows:

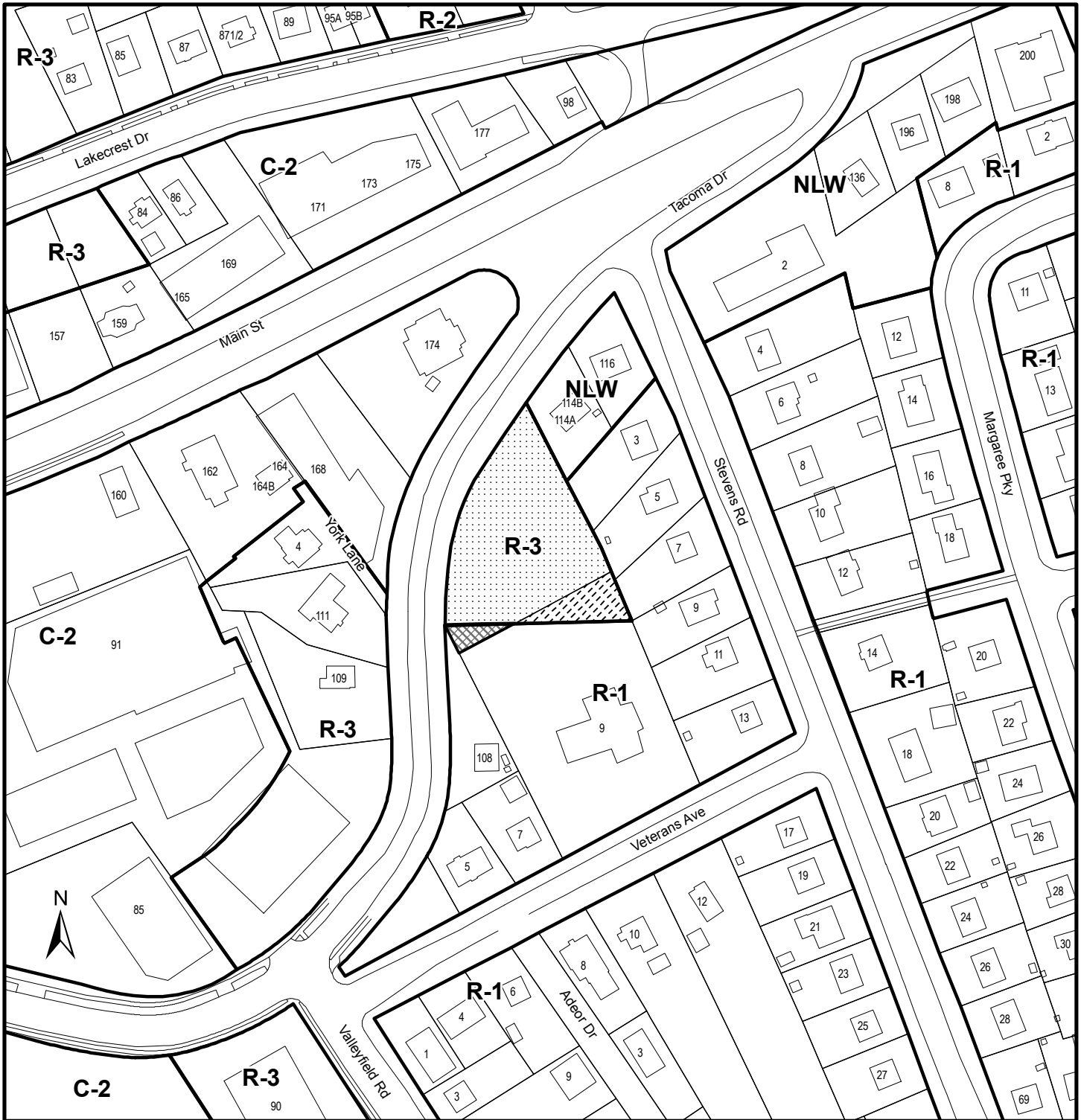
1. The Dartmouth Zoning Map is amended by rezoning a portion of the lands identified as 9 Veterans Avenue, Dartmouth, from the R-3 (Multiple Family Residential-Medium Density) zone and the R-1 (Single Family Residential) zone to the S (Institutional) zone, and a portion of the lands from the R-3 zone to the R-1 zone, as illustrated in Schedule A attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Harbour East Marine Drive Community Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_day of \_\_\_\_\_, 201\_\_.




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Municipal Clerk



**Schedule A**  
 9 Veterans Avenue,  
 Dartmouth

**HALIFAX**

-  Area to be Rezoned from R-1 to S
-  Area to be Rezoned from R-3 to S
-  Area to be Rezoned from R-3 to R-1

**Zone**

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- C-2 General Business
- NLW Neighbourhood Live-Work
- P Park
- S Institutional



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

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

Dartmouth Land  
 Use By-Law Area

## Attachment B - Review of Relevant Policies from the Dartmouth MPS and LUB

### Commercial Policies – Main Street Designation

Policy C-60	Staff Comment
<p><i>Council may, within the Main Street Designation, consider the development of similar uses on properties which abut one another, through amendments to the Land Use By-law within any sub-designation except the Neighbourhood Edge Sub-designation, to provide for the development of uses which are permitted by the zone on the abutting property within the abutting sub-designation as shown on Map 9x (Main Street Generalized Future Land Use Map).</i></p>	<p>The site abutting this property lies within the Neighborhood Edge Sub-Designation, which allows for “small institutional uses, provided that development shall be in a low-rise house form”. The abutting properties are zoned NLW (Neighborhood Live-Work Zone) under the Dartmouth LUB. The NLW Zone permits S (Institutional) uses.</p> <p>The proposed building form at 38 feet in height is consistent with low rise housing form outlined within the Neighborhood Edge Sub-Designation. The S (Institutional) Zone requirements for building heights within the Main Street Designation are a maximum of 45 feet as per Schedule AF of the Dartmouth LUB. The proposed use is listed under the S (Institutional) Zone, the zone applied to the adjacent properties within the Neighborhood Edge Sub-Designation.</p> <p><i>Please note that Policy C-60 refers to Map 9x, which is incorrect. A text error was made in the Dartmouth MPS. The Main Street Generalized Future Land Use Map is Map 9y of the Dartmouth MPS.</i></p>

Policy C-54	Staff Comment
<p><i>Council shall establish the Neighbourhood Edge Sub-Designation as shown on Map 9X - Generalized Future Land Use, to encourage a compatible and orderly transition between high-traffic areas and established residential neighbourhoods, and offer opportunities for single family houses, auxiliary dwelling units, townhouse-style residential blocks, low-intensity arts and crafts, personal services, accessory retail, offices, and small institutional uses, provided that development shall be in a low-rise house form.</i></p>	<p>Neighborhood Edge Sub-Designation allows for “small institutional uses, provided that development shall be in a low-rise house form”. See above for staff review of Policy C-54 in relation to Policy C-60.</p>

### Implementation Policy

Policy IP-1(b) Generalized Land Use	Staff Comment
<p><i>The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. (Deleted-RC-Jul 11/00;E-Sep 2/00)</i></p>	<p><u>1. R-3 (Multiple Family Residential zone- Medium Density) to S (Institutional) zone:</u></p>

<p><i>In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).</i></p> <p><i>Tables 4, 4a and 4b identify (RC-Sep 10/13;E-Nov 23/13), in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown in matrix form on Tables 4, 4a and 4b (RC-Sep 10/13;E-Nov 23/13). The generalized land uses are also shown on: Map 9;</i></p> <p><i>Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood), 9r, 9y and 9z (RC-Sep 10/13;E-Nov 23/13) (As amended by By-law C-475, Sept. 20, 1983, By-law C- 493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul.,1984).</i></p> <p><i>These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.</i></p> <p><i>Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.</i></p> <p><i>An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.</i></p>	<p>"Local Institutional" and "City/Regional Institutional" uses are permitted in all sub-designations of the plan per Table 4b.</p> <p><u>2. R-1 (Single Family Residential) zone to S (Institutional) zone:</u></p> <p>Policy IP-1(b) allows the consideration of local institutional land uses in the Residential designation as per Table 4.</p> <p><u>3. R-3 (Multiple Family Residential zone- Medium Density) to R-1 (Single Family Residential) zone:</u></p> <p>Policy IP-1(b) allows the consideration of single family residential land uses within the Residential designation as per Table 4.</p>
<p><b>Policy IP-1(c) Zone By-Law</b></p>	
<p><i>In considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p>	
<p><i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan;</i></p>	<p>Staff feel the proposal is in conformance with Policy C-60 of the Dartmouth MPS as discussed above.</p>
<p><i>(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;</i></p>	<p>The surrounding neighborhood consists of a mix of single family residential, commercial (retail/restaurant), and institutional use- with two churches located within three blocks of the property. Temporary housing provides a community service and serves as an institutional use which is not currently present in the neighborhood, but which is</p>

	<p>consistent with other institutional uses in the neighborhood.</p> <p>The building bulk is proposed at 3 stories (38 feet) which is less than the required maximum height under Sched AF of the Dartmouth LUB. The building provides an appropriate transition from the larger scale commercial along Main Street, to the single family residential neighborhood located adjacent to the property.</p>
<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries;</i></p>	<p>Landscaping requirements are required under the S Zone, Section 45(2)(d) which requires the first ten (10) feet bordering the road right-of-way to be fully landscaped, except where driveway or pedestrian access points are required. Additionally, Part 2 General Provisions of the Dartmouth LUB lists additional landscaping requirements including a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line. The grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary.</p> <p>The site has been proposed to meet the landscaping provisions of the Dartmouth LUB (above), with landscaping around the periphery of the site designed to screen the residential properties from the proposed institutional building.</p> <p>The current site is accessed via curb cuts on Tacoma Drive and Veterans Ave. The site is now proposed to be accessed from Tacoma Drive only, to reduce any land use/traffic incompatibilities.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the City is to absorb any costs relating to the development</i></p>	<p>There are no costs of this proposal which must be absorbed by the municipality.</p>
<p><i>(ii) the adequacy of sewer and water services and public utilities</i></p>	<p>The site is serviced by municipal sewer and water services.</p>
<p><i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i></p>	<p>There are a number of schools within the neighborhood, including Admiral Westphal Elementary School, Brookhouse Elementary School, Caledonia Junior High School, Ellenvale Junior High School, and Prince Andrew High School, as well as two Conseil Scolaire Acadien Provinvial (CSAP) Schools: Ecole Bois-Jolie et Ecole du Carrefour. The site is also in proximity to Tacoma/Westphal</p>

	Shopping Centre as well as Main Street commercial shops, which include grocery, pharmacy and doctor clinic access.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i>	The Tacoma/Westphal shopping centre is a major transit stop serviced by four Metro Transit routes including routes no.10 and no.72 which provide access to the Bridge Terminal and Downtown Halifax. The site has access to Main Street and onto the Circumferential highway. HRM Engineering concluded that the TIS submitted was found acceptable.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i>	The proposal shows signs that would lead to negative effects to waterbodies or watercourses. There are no waterbodies or watercourses in proximity of the site.
<i>(vi) preventing public access to the shorelines or the waterfront</i>	N/A
<i>(vii) the presence of natural, historical features, buildings or sites</i>	N/A
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i>	N/A
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	N/A
<i>(5) that the proposal is not an obnoxious use;</i>	The use is not considered obnoxious.
<i>(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</i>	The application is for a re-zoning to the S (Institutional) Zone under the Dartmouth LUB. The LUB regulates the permitted uses under Part 9, Section 45(1) to: “(a) P uses as herein set out; (b) sports clubs, either public or private; (c) public or private community purpose buildings; (d) hospitals, schools, colleges, universities, masteries, libraries, museums, art galleries, and other institutions of a similar nature. <b>(deleted: HECC-Dec 4/08; E-Dec 27/08)</b> <b>(e) health clinics;</b> <b>(f) long term care facilities;</b> <b>(g) day nurseries;</b> <b>(h) places of worship and associated halls; and</b> <b>(i) uses accessory to any of the foregoing uses.”</b>
<i>(ii) emissions including air, water, noise</i>	There are no such emissions from the proposed institutional use.
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	HRM Engineering found that the TIS submitted was acceptable. The TIS relays that the proposed access to the site is existing, and that there is no cross

	connection to the Adjacent St. Luke’s Anglican Church to Veterans Ave. The number of trips generated would be 11 during AM peak hour, and 13 at PM peak hour.
<i>(iv) open storage and landscaping</i>	There is no open storage proposed. Landscaping requirements are required under the S Zone, Section 45(2)(d) which requires the first ten (10) feet bordering the road right-of-way to be fully landscaped, except where driveway or pedestrian access points are required. Additionally, Part 2 General Provisions of the Dartmouth LUB lists additional landscaping requirements including a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line. The grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary.
<i>(v) provisions for pedestrian movement and safety</i>	Part 2 General Provisions of the Dartmouth LUB lists minimum requirements for parking lots under Section 15, which requires curbs or other appropriate methods of delineating shall be provided to ensure safety between varying vehicular movements and vehicular and pedestrian movements;
<i>(vi) management of open space, parks, walkways</i>	There are no LUB requirements for open space/parks/walkways for institutional use in the S Zone, however an outdoor playground and open space are provided as part of the proposal.
<i>(vii) drainage both natural and sub-surface and oil-stability</i>	N/A
<i>(viii) performance bonds.</i>	N/A
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock out-cropping’s, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors;</i>	The subject property is located on a slight rise of land, and located above Tacoma Drive. There is an existing retaining wall along the property line at the sidewalk, however any new building would need to meet engineering requirements when building permits were applied for.
<i>(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;</i>	N/A

<p><i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i></p> <p><i>(i) Council with a clear indication of the nature of proposed development, and</i></p>	<p>The applicant has provided a site plan and proposed building elevations which clearly illustrate the proposed new development.</p>
<p><i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community.</i></p>	<p>The above noted information has been shared with Development and Engineering services, and no issues have been identified. Additionally, planning staff have not identified any relevant impacts caused by the rezoning on the surrounding community.</p>