

HALIFAX

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

Item No.14.1.6
Halifax Regional Council
October 2, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: August 29, 2018

SUBJECT: **Case 21875: Municipal Planning Strategy amendments for the former Nova Scotia Home for Coloured Children in Westphal**

ORIGIN

Application by Akoma Holdings Incorporated.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Cole Harbour/Westphal Municipal Planning Strategy (MPS) to allow the appropriate adaptive re-use of the lands containing and surrounding the former Nova Scotia Home for Colored Children; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

Akoma Holdings Inc. is applying to allow specific commercial, recreational and residential uses at the former Nova Scotia Home for Coloured Children (NSHCC) in Westphal to allow the appropriate adaptive re-use of the property. This proposal cannot be considered under existing MPS policies. Therefore, the applicant is seeking amendments to the Cole Harbour/Westphal MPS to enable their proposal.

Subject Site	PID 40150559 <ul style="list-style-type: none"> • 1016-1018 Highway 7, Westphal PID 40150567 <ul style="list-style-type: none"> • 990 Highway 7, Westphal • 18 Wilfred Jackson Way, Westphal • 35 Wilfred Jackson Way, Westphal • 20 Wilfred Jackson Way, Westphal • 49 Wilfred Jackson Way, Westphal PID 41391764
Location	South west of the intersection of Highway 7 and Wilfred Jackson Way at the former Nova Scotia Home for Colored Children.
Community Plan Designation (Map 1)	Urban Residential (UR), Community Facility (CF), Rural Residential (RR), Highway Commercial (HC)
Zoning (Map 2)	P-2 (Community Facility), R-1 (Single Unit Dwelling), UR (Urban Reserve), C-4 (Highway Commercial)
Regional Plan Designation (Map 3)	Urban Reserve (UR) and Rural Commuter (RC)
Size of Site	The cumulative area of the subject properties is approximately 320 acres. The proposal is for a relatively small portion of these lands, toward Highway 7 and the Old Lawrencetown Road.
Street Frontage	Approximately 735.7 metres (2,413.8 feet) along Highway 7.
Current Land Use(s)	<ul style="list-style-type: none"> • Primarily vacant and undeveloped. • PID 40150567 - The former Nova Scotia Home for Coloured Children (currently under renovation), the superintendent's cottage now used for storage, and the Bauld Community Centre used for offices and community events. • 1016-1018 Highway 7 - Two group homes for children in care of the Minister of Community Services
Surrounding Use(s)	Residential, highway commercial, recreational and institutional uses surround the property along Highway 7 and low density residential uses are found west of the property.

History

The history and legacy of the NSHCC impacts the lives of many today, and will continue to do so in the foreseeable future. It is, therefore, important to acknowledge this history as development plans are explored and the most appropriate and transformative use of the property is determined. The extensive history and community significance of the NSHCC cannot be adequately described in detail in this report format. However, staff advise that a high-level description of key events and summary of the historic timeline would allow consideration of the current development proposal in a suitable context. Much of the detail in the following section of this report has been provided by the applicant.

The Nova Scotia Home for Coloured Children (NSHCC) opened in 1921 to educate and provide care for orphaned black children in Nova Scotia. At that point in Nova Scotian history, black children were not welcome in white care institutions. The opening of the NSHCC was a very significant event for the African Nova Scotian community and around 3,000 people gathered to celebrate the opening. This was the largest gathering of people of African descent since the arrival of the Black Loyalists in 1783.

Around 1948, the two-room Henry G. Bauld Elementary School was built on the property. This facility offered classes to residents of the home and neighbouring students. Within the first 50 years, thousands of children lived at the NSHCC.

In the early 1960s, the NSHCC began accepting orphaned white children after segregation in institutions formally ended. Other orphanages also started accepting children of all racial backgrounds and by the late 1970s, dozens of NSHCC residents moved to foster homes and the NSHCC's population notably declined. The orphanage facility closed after two group homes were built on the property in 1978/79. The cottage where the superintendent of the home lived was rented for several years following closure of the orphanage but the cottage was eventually vacated and has been used for storage since.

Former residents launched a class action lawsuit revealing poor living standards and physical, mental and sexual abuse endured by residents of the facility. The lawsuit was subsequently settled and, on October 10, 2014, Premier Stephen McNeil formally apologised, on behalf of the Province of Nova Scotia, to former residents who suffered systemic and institutional racism, neglect and abuse at the NSHCC. In 2015, the Nova Scotian Government introduced the NSHCC Restorative Inquiry (RI) process, which is a public inquiry aimed at providing restorative justice. The RI terms of reference includes:

- revealing what happened at the NSHCC and examining the history of institutionalised anti-black racism in Nova Scotia;
- understanding how this history and legacy affected not only the former residents of the NSHCC and African Nova Scotian communities, but all Nova Scotians;
- educating the public about this Nova Scotian history;
- building just and respectful relationships;
- strengthening the cultural knowledge of the African Nova Scotian people; and, engaging in collaborative planning and action to ensure no further harm and to create meaningful change that supports children in care for a better future.

Present Operation

Existing buildings on the subject properties include the former NSHCC, a cottage where the superintendent of the home lived, the Henry G. Bauld school house where residents of the home attended K-9, industrial arts and domestic science classes and two group homes. These buildings all have significant historical and cultural value.

The NSHCC launched the Akoma Family Centre in 2011 for siblings aged 0-19 in care of the Minister of Community Services. In 2011, a community garden was developed with more than 40 volunteers contributing to its maintenance. The Henry G. Bauld school was fully renovated in 2014 and is now used as the Bauld Community Centre for offices and community events.

Proposal Details

Akoma proposes to re-develop the former Nova Scotia Home for Coloured Children (NSHCC) lands to create "a revitalized and energetic Nova Scotia Home for Colored Children, as the setting for a Centre of Excellence for the entire African Nova Scotian community". Akoma's vision for the site is to renovate the old home building (already under construction) and develop the remainder of the site as a cultural community centre with commercial recreation uses, affordable housing options and an educational facility. It is recognized this development would take place over the course of over a decade given its scale, diversity of uses, and investment required. This proposal presents an opportunity for the appropriate adaptive use of the site and continued recognition of the important history and cultural significance of the property.

MPS and LUB Context

Existing policies limit the development potential of the subject properties. Enabling policy does not allow consideration of commercial and recreational uses that are desired to fulfill Akoma's vision. Broadly speaking, development options on the lands adjacent to Highway 7 are somewhat restrictive, while the options on the lands further from Highway 7 are much more restrictive without further planning processes.

Most of the subject property is within the Rural Residential (RR) Designation under the Municipal Planning Strategy for Cole Harbour/Westphal. Toward Highway 7, approximately 23.2 acres of the property is designated Urban Residential (UR), 1.6 acres is designated Community Facility (CF) and 4.9 acres is designated Highway Commercial (HC). The general intention for each of these designations can be described as follows:

<u>RR Designation</u>	Applied to less developed areas without direct access to a public road. Lands holding this designation are intended for low densities; however, higher densities may be considered if the land is deemed suitable for more intense uses.
<u>UR Designation</u>	Intended for continued residential development with a variety of housing types.
<u>CF Designation</u>	Recognises major institutional and open space uses.
<u>HC Designation</u>	Intended for commercial uses that require lands for outdoor storage and display.

Most of the NSHCC lands are zoned Urban Reserve (UR) under the Cole Harbour/Westphal Land Use By-law. The UR Zone only permits single unit dwellings on existing lots. Subdivision of the property for commercial, active recreational or residential purposes is not permitted. Community Facility (CF) zoning toward Highway 7 permits institutional and open space uses and enables the two group homes and Bauld Community Centre.

Regional Plan

While the community plan designations allow for consideration of a variety of uses, most of the lands are within the Urban Reserve (UR) Regional Plan Designation, which limits development of the properties. The UR designation is intended to protect land for future serviced development, beyond the 25-year life of the Regional Plan. Along Highway 7, the northern portion of the property is within the Water Service boundary and Rural Commuter (RC) Regional Plan Designation (see Map 3). Properties to the north, east, south and west of the subject properties are adjacent to the road network and within the Water Service boundary and designated RC. However, most of the subject lands are interior lands without road frontage and are outside of the Water Service boundary. The RC Designation was applied to areas within commuting distance of the Regional Centre and is intended to protect rural character, conserve open space, support convenience uses and services and control the amount and form of development between Rural Centres.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendment(s):

- The subject properties have significant historical and cultural value, particularly for the African Nova Scotian community.
- Restoration and renovation of the old home for recreation, community and commercial uses presents an opportunity for community development and intergenerational programs that promote healthy living, social diversity, heritage preservation and community cooperation, particularly between seniors and youth.
- The proposal can benefit the children currently in care as well as the nearby communities of Westphal, Preston and those along the Eastern Shore.
- Investors have shown interest in constructing a sports complex on the property. Since Akoma is a non-profit organisation, they do not want to miss an opportunity for funding assistance.

Attachment A contains the applicant's application letter.

Review

Staff have reviewed the submitted rationale in the context of the history of the site, surrounding land uses and regional planning policy. Staff advise that there is sufficient merit to warrant consideration of amendments to the Cole Harbour/Westphal MPS. The proposal recognises the history and legacy of the NSHCC, responds to the community's needs for commercial and recreation space, creates capacity for enhanced maintenance of historically and culturally significant buildings and provides an opportunity for community development.

Upon the implementation of the 2006 Regional Plan, the subject property was designated Urban Reserve to limit development of the lands. The current Urban Reserve regional planning policy does not allow a range of uses that would contribute to the economic viability needed to create the capacity to maintain the existing buildings that have heritage and cultural value.

The 2002 Greenfield Areas Servicing Analysis prepared by CBCL identified the development costs in this area (for water, sanitary and storm services) to be high. There were several discussions about designating these lands Urban Reserve when the Regional Plan was being developed. Concerns were raised regarding the following:

- protection of significant heritage and cultural resources in the area;
- compatibility of higher density residential and community commercial uses adjacent to an existing low density residential neighbourhood;
- increasing residential density while high traffic volumes were already seen along Highway 7;
- the cost of extending the transit network to an area relatively far from Halifax employment areas; and
- suitability of soils to sustain development serviced by on-site sewage systems.

The June 13, 2006 Regional Plan post public hearing supplementary report suggests, when reviewing the Regional Plan, to consider re-designating the subject property to Rural Commuter as well as creating another Rural Growth Centre. Accordingly, staff advise that it is premature to consider developing the entire site as future development of the subject properties should be explored comprehensively during the upcoming Regional Plan review.

However, staff advise it is reasonable to consider development of a portion of the property toward Highway 7 and the Old Lawrencetown Road. This short-term development would address Akoma's immediate development goals without precluding future development of the site or presuming future changes to the Regional Plan impacting surrounding lands. Longer-term goals should be considered through the upcoming Regional Plan review. There is support under the Regional Plan to consider development of a portion of the Urban Reserve lands through abutting designation policy G-16 (see Attachment B). This policy allows for consideration of uses that would typically be considered under the abutting designation, in this case, the Rural Commuter Regional Plan Designation.

A full review would consider the following:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- the feedback received through community engagement initiatives;
- traffic concerns;
- on-site servicing;
- density for residential uses; and
- heritage and cultural value.

Conclusion

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. Amendments to the MPS would ensure any new development is respectful to the legacy of the NSHCC that continues to impact people today and is appropriate to preserve what is left of historically and culturally significant buildings on the property. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting, public open house or public workshop, at a minimum, early in the review process. A public hearing will also be held before Regional Council can consider approval of any amendments.

Staff will work with the African Nova Scotian Affairs Integration Office (ANSAIO) and the Department of African Nova Scotian Affairs to establish an engagement program with the African Nova Scotian community specifically in mind. The goal of the engagement will be to ensure the community has clear information on the project, a chance to review and discuss studies and reports, and a chance to provide feedback that influences how the site develops.

Amendments to the Cole Harbour/Westphal MPS will potentially impact the following stakeholders: property owners of the subject properties and surrounding lands, local businesses, youth and elder groups in the community.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.

2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Cole Harbour/Westphal MPS is not appealable to the NS 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
Map 3: Regional Future Land Use and Water Service Boundary

Attachment A: Application Letter
Attachment B: Excerpt of the Regional Plan - Policy G-16

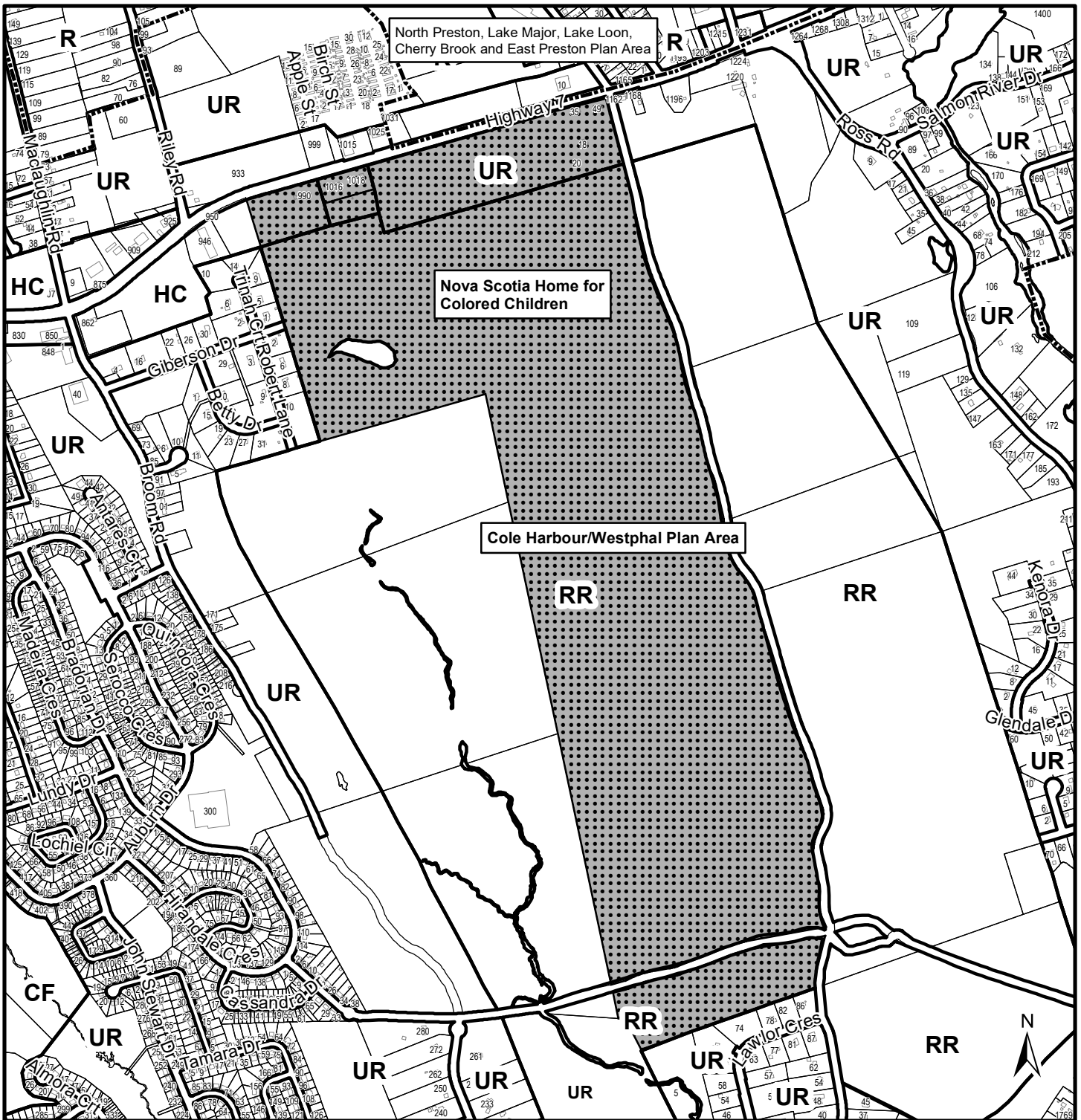
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner II, Rural Policy and Applications, 902.490.4223

Report Approved by: Original Signed
Steven Higgins, Manager, Current Planning, 902.490.4382

Financial Approval by: Original Signed
Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6308

Report Approved by: Original Signed
Kelly Denty, Director of Planning and Development, 902.490.4800




North Preston, Lake Major, Lake Loon,
Cherry Brook and East Preston Plan Area


Nova Scotia Home for
Colored Children

Cole Harbour/Westphal Plan Area

Map 1 - Generalized Future Land Use

PID's 40150559, 40150567 and 41391764
Cole Harbour

 Area of Proposed
Policy Amendments

 Plan Area Boundary

Cole Harbour/Westphal Plan Area

Cole Harbour/Westphal Designations

- UR Urban Residential
- RR Rural Residential
- HC Highway Commercial
- CF Community Facility

North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston Designation

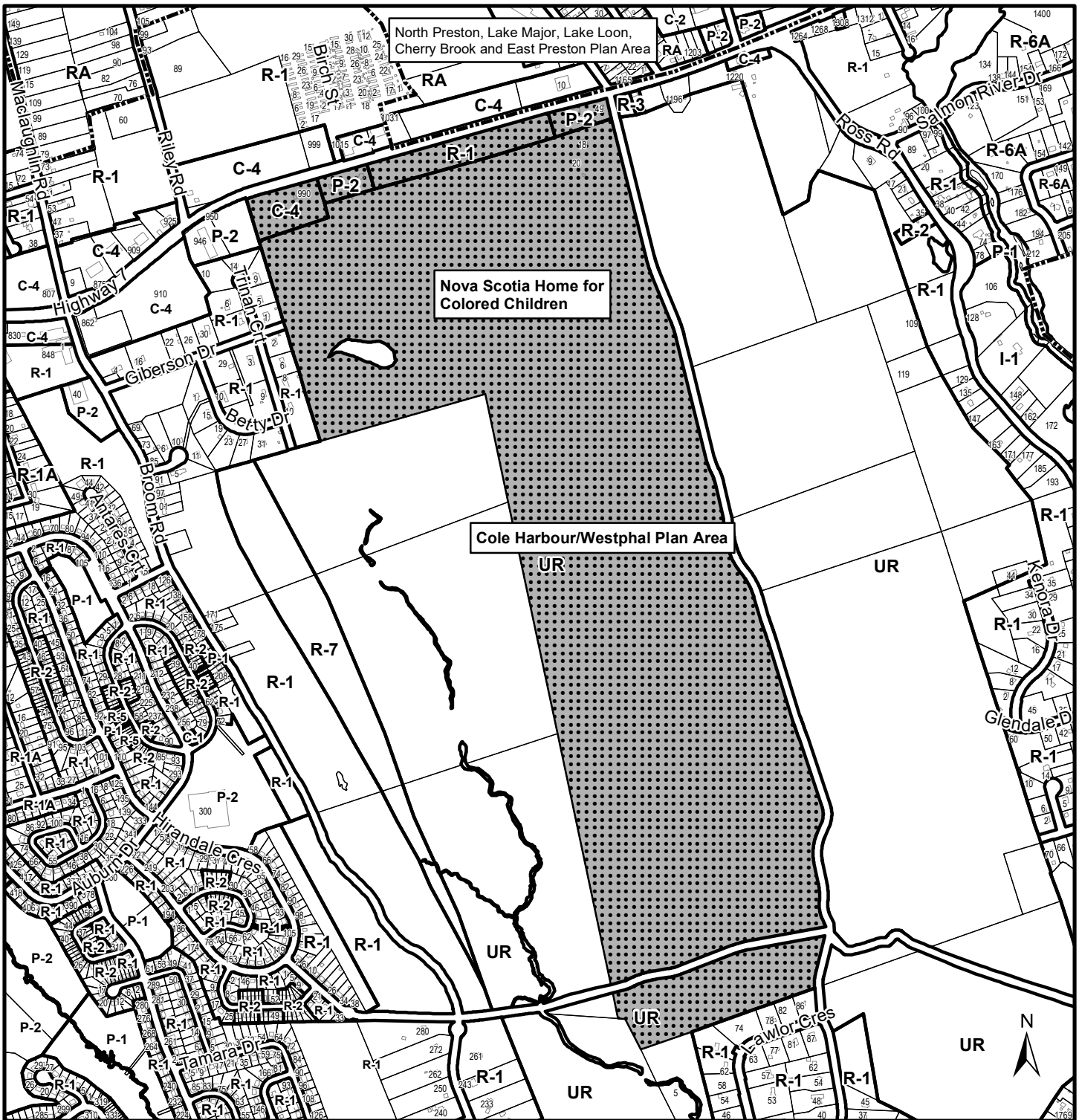
- R Residential

HALIFAX





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.



Map 2 - Zoning

PID's 40150559, 40150567 and 41391764
Cole Harbour

-  Area of Proposed Policy Amendments
-  Plan Area Boundary

Cole Harbour/Westphal Plan Area

Cole Harbour/
Westphal Zones

North Preston, Lake Major,
Lake Loon, Cherry Brook
and East Preston

- R-1A Single Unit Dwelling
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-6A Rural Residential Single Unit Dwelling
- R-7 Rural Estate
- C-4 Highway Commercial
- I-1 Light Industrial
- P-1 Open Space
- P-2 Community Facility
- UR Urban Reserve
- RA Residential
- C-2 General Commercial
- C-4 Highway Commercial
- P-2 Community Facility



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

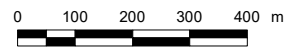
The accuracy of any representation on this plan is not guaranteed.






**Map 3 - Generalized Future Land Use
Regional Municipal Planning Strategy**

HALIFAX

PID's 40150559, 40150567 and 41391764
Cole Harbour



-  Area of Proposed Policy Amendments
-  Water Service Boundary
-  Plan Area Boundary

Designation

- UR Urban Reserve
- US Urban Settlement
- RC Rural Commuter

This map is an unofficial reproduction of a portion of the Regional Generalized Future Land Use Map for the plan area indicated.

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

Regional Municipal Planning Strategy



1018 Main Street
Dartmouth, NS, B2W 4X9
902-434-0674 (o) 902-434-6544 (f)
www.akoma.ca

via e-mail

July 19, 2018

Stephanie Salloum
Planner II
Planning and Development
HRM
PO Box 1749
Halifax, NS B3J 3A5

Dear Ms. Salloum;

Re: Request Letter Outlining the Akoma Plans for Development

Please accept this letter that accompanies our application request to amend the zoning for the listed areas of Akoma lands discussed at our most recent meeting of June 28, 2018. We humbly appreciate the assistance and foresight of the planning department in making this a reality for Akoma.

The following is a brief overview of the property with some historical context. In 1921, the Nova Scotia Home for Colored Children (NSHCC) was developed to provide care and education for orphaned and homeless African Nova Scotian children. The Old Home orphanage closed in 1978/79 when two new group home structures were developed. In 2010, the Cottage which housed the Superintendent who supervised the orphanage was vacated due to the liability issues due to the need for extensive repairs. The building is currently being used to store garden equipment and large items for Akoma. Discussions are being held to eventually restore this building however, no concrete plans are in place as of this date.

In 2011, the NSHCC launched the Akoma Family Centre to provide residential care for siblings ages 0-19 who were in the care of the Minister of Community Services. Also, in 2011, in recognition of the 90th anniversary of the NSHCC, a community garden was launched on the property. Over 40 community members of all ages are involved in operating the garden (from May to October) which has proven to be very productive.

In 2014, a second legal entity under the auspices of the NSHCC was developed, Akoma Holdings Incorporated (AHI). The Akoma Holdings Incorporated acquired the financial and real estate assets from the Nova Scotia Home for Colored Children (NSHCC). The vision for the Akoma Holdings Inc. is to 'offer opportunities and services that benefit the African Nova Scotian communities and the general society'.

In 2014, the Akoma Board of Directors approved the renovation of the Bauld Centre which was the former school house for children who resided at the orphanage. The facility now consists of offices leased to the YMCA on the lower level with the top level available for rental of community events.

In 2017, the Akoma Board of Directors approved the restoration of the Old Home building which was the original orphanage in which the residents of the NSHCC resided. This restoration commenced in early 2018. The building will feature a senior's complex that hosts a gym, art room, meeting room, restaurant/cafe, hair salon, office space and will offer services and programs geared to seniors but accessible to all ages. The Old Home Restoration project's objectives consist of developing a new space where all citizens within the HRM community can readily access activities that involve healthy living, health promotion, social diversity, heritage recognition and community cooperation. An emphasis will be placed on intergenerational programs where seniors with young children/youth can come together for programs and activities. It's been proven that intergenerational programs result in mutual enrichment.

Discussions are also underway about the need for a new facility that will better suit the needs of the children currently in care, however, this discussion will be part of the provincial plan to review residential care in the province.

Recently, community members have approached Akoma with the interest of establishing a multi-use sports complex on the property. One of the sports team have investors so are ready to proceed with the construction, however zoning is required to enable this to occur.

In August & September 2018, working with Upland Planning, community consultations will occur on the need for housing in the Preston/Eastern Shore areas. The results of that survey will inform the types of housing that Akoma can develop on the property.

Akoma has taken into consideration the need for right of ways to enable access to the property, therefore will work with HRM on the need for a Ross Road/Giberson connection and a left turning lane.

The following provides an outline of the property locations for zoning requests.

Locations and Proposed Use (timeline)

The aspects of the Akoma plans for development are:

- Old Home - rezoning to address proposed uses (targeted occupancy is Sept 2019)
- Centre for Athletic Excellence – Akoma has been presented with a multi-field multi-sport indoor/outdoor athletic complex opportunity (*less than 1 year*)
- Approximate 15+ acre parcel – with a mix of market-housing and affordable housing (*less than 2 years*)
- Main Street frontage – rezone areas to permit commercial with upper level residential (*less than 2 years*)
- Northwest corner – institutional and residential (*3 to 5 years*)
- Ross Road/Giberson Dr connection frontage – residential and commercial and institutional (*3 to 5 years*)

Current Zoning / (proposed Zoning)

- Old Home: UR / (*P2 including permitted use for public gardening*)
- Approx. 15+ acres parcel: UR / (*R1*)

- Athletic Complex: UR / (zoning that would permit indoor and outdoor facilities for soccer, track, basketball; indoor facilities for badminton, swimming, and photovoltaic fields)
- Main Street frontage: C4, P2, R1 / (zoning that would permit commercial with upper level residential save for existing P2)
- Northwest corner: C4 frontage; UR / (zoning that would permit institutional, low/med/high density residential, and photovoltaic fields)
- Ross Rd realignment frontage: UR / (zoning that would permit low/med/high density residential, P2 uses and photovoltaic fields)

Municipal Servicing Options

Sanitary

- o Class 4 septic systems
- o sanitary cluster systems

Water

- o Water service available from adjacent serviced subdivisions
- o On-site well water
- o Watermain service extension from Giberson Drive on the west and Old Miller Road to the south

Storm water

- o post to pre-development flows and storm water management ponds

Other

Open Space, Wetlands and Water Courses

- o development will follow municipal requirements, NS DOE guidelines, and best practices.
- o The intent is to preserve the Old Lawrencetown Road as an active transportation trail.

Community Engagement

- Akoma is undertaking community engagement initiatives as part of a Needs Demand Analysis but will participate in the required process for the rezoning if/as required.

I trust this letter provides a description of our needs and request. I look forward to a positive outcome. If you have any questions, please do not hesitate to contact me.

Sincerely,

ORIGINAL SIGNED

Veronica Marsman
Property Manager

ATTACHMENT B

Excerpt of the Regional Plan - Policy G-16

- G-16 Provided other policies of this Plan are satisfied and the proposed development is limited in scale, for the purpose of providing for the development of similar uses on properties which abut one another or share a common street line, HRM may consider the following development agreements or amendments to the applicable Land Use By-laws, for lands which are located where land use designations abut one another, as shown on the Generalized Future Land Use Map (Map 2):
- (a) amendments within a designation to provide for the development of uses which are uses permitted within the abutting designation;
 - (b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation;
 - (c) development agreements within a designation which are extensions of development agreements in effect on the abutting property within the abutting designation; and
 - (d) amendments within the Urban Reserve or Rural Commutershed Designations on lands which meet or share a common street line with the Urban Settlement Designation or the Harbour Designation to accommodate development serviced with municipal water or wastewater infrastructure where the development is generally consistent with the intent of the Urban Settlement Designation policies in this Plan including Policy SU-4 and the total number of dwelling units does not exceed twenty. Preference will be given to lands that are naturally tributary to trunk municipal service systems.