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Item No. 10.1.1
North West Community Council
February 8, 2021
March 8, 2021

TO: Chair and Members of North West Community Council

SUBMITTED BY:



- Original Signed -

Kelly Denty, Director of Planning and Development

DATE: February 2, 2021

SUBJECT: Case 23086: Land Use By-law Amendment for Site B, Fall River

ORIGIN

Application by Ron Pachal, Vision 7 Developments.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Planning Districts 14 and 17, as set out in Attachment A, to permit Nursing Homes in the RLRC (River-lakes Residential Campus) Zone on Opportunity Site B in Fall River and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Planning Districts 14 and 17, as set out in Attachment A.

BACKGROUND

Vision 7 Developments, on behalf of the property owner, has applied to amend the Land Use By-law (LUB) for Planning Districts 14 and 17 to allow Nursing Homes within the RLRC (River-Lakes Residential Campus) Zone.

Subject Site	PID 00506501, Fall River Road
Location	South side of Fall River Road, East of Meltzer Common Park
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential and identified as Residential Opportunity Site B under the River-lakes Secondary Plan
Zoning (Map 2)	RLRC (River-Lakes Residential Campus) Zone
Size of Site	20.38 hectares (50.36 acres)
Street Frontage	Approx. 280 metres (918.36 feet) on Fall River Road
Current Land Use(s)	Forested, informal trails
Surrounding Use(s)	To the south - Residential subdivision known as Fall River Village. To the north - Fall River Road and several single unit dwellings and a property zoned C-2. To the west - A single unit dwelling and a property zoned C-2 To the east – Forested Lands

Proposal Details

The proposal is to allow Nursing Homes on the property referenced in planning policies as the “Opportunity Site B” (Carr Farm) located off Fall River Road; specifically, to allow one of the five proposed buildings on the subject site to be developed as a Nursing Home. While the zoning change would allow the Nursing Home use throughout the site, the development proposal as presented by the applicant includes the following:

- Approximately 100 long-term care beds;
- Nursing and personal care on-site on a 24-hour basis;
- Care provided under the supervision of a nurse, administration of medication and assistance with daily living;
- RN (Registered Nurse), LPN (Licensed Practical Nurse), Continuing Care Assistant (CCA) and other care providing staff/assistants on site at all times;
- Other services include physiotherapy, occupational therapy and recreation; and
- Meals served daily.

Enabling Policy and LUB Context

The subject property is located within the Residential (R) Designation of the Planning Districts 14 and 17 MPS (Map 1). The River-lakes Secondary Planning Strategy (SPS) recognizes the need to provide for the development of townhouses and low-rise multiple-unit dwellings to meet the needs of the aging population and young adults. The residential polices under the Regional Plan and Planning Districts 14 and 17 are in keeping with the vision for the River-lakes Secondary Planning Strategy. The River-lakes SPS was designed to accommodate alternative housing forms (townhouses and multiple unit dwellings) by assigning additional capacity to five residential Opportunity Sites throughout the Plan Area. In the River-lakes SPS this site is identified as Opportunity Site B.

The River-lakes SPS was generally intended to accommodate the growing need for alternative housing forms for seniors in Fall River. As described in available census data, the proportion of seniors living in Fall River more than doubled from 1996 – 2016. The proportion of the population aged 65 and above in Fall River rose from 5.2% (421 people) in 1996 to 11.1% (1139 people) in 2016. To help support this change in demographics and increase in seniors’ population, there is a need for alternative housing. Accordingly,

Site B was been selected because of its size, reasonable proximity to services and amenities and ability to provide an alternative housing options, specifically multiple unit dwellings in a catchment area including Waverly, Lakeview, Windsor Junction, Fall River, Wellington, Fletchers Lake, Oakfield and Grand Lake. In January 2019, the RLRC (River-lakes Residential Campus) Zone was created and applied specifically to Site B to provide an opportunity to develop a series of 5 (five) multiple unit dwellings within a residential campus setting where services and amenities are provided on site. The purpose of this housing option, acknowledging that additional density is required to provide an economy of scale that allows for the establishment of additional site facilities, is to support those individuals who may need personalized services or help with activities of daily living and allow individuals to age in place.

Development within Site B is regulated through a Site Plan Approval Process and permits up to 5 (five) multiple unit dwellings within a residential campus subject to a series of site plan criteria. However, a Nursing Home is not listed as a permitted use within the zone and therefore an amendment to the Land Use By-law is required.

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/notices mailed to approximately 540 property owners within the notification area on November 2, 2020. Attachment C contains a copy of a summary of the feedback. The public comments received include the following topics:

- Provides opportunity for Seniors to stay in the area;
- Provides a much-needed addition to our community;
- Blasting impact;
- Increase traffic on Fall River Road and single access;
- Water runoff and drainage;
- Waste water treatment and possible pharmaceuticals impact on Lake Thomas; and
- The scale of entire development and disruption of semi-rural character of the area.

A public hearing must be held by North West 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 3 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 residents, property owners and local businesses in the area.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Planning Districts 14 and 17 Municipal Planning Strategy. Attachment A includes the proposed LUB amendments that would enable Nursing Homes within the RLRC Zone. Attachment B provides an evaluation of the proposed LUB amendments in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Housing for an aging population

In planning for its communities, the Municipality aims to develop policies and enable development which supports sustainable growth and reflects community desires in terms of land uses and building form. The existing policies under the River-lakes SPS provide for alternative housing options while minimizing the impact on the community with design criteria that enhance compatibility between different land uses. In the

case of this proposed development, the proposed use of land is several multiple unit dwellings designed to respond to individuals who may need personalized services or help with activities of daily living.

During the preparation of the RLRC Zone in 2019, the developer did not express a desire to incorporate Nursing Home uses within the residential campus. However, opportunities now exist to consider integrating Nursing Homes and Long-Term Care Facilities within this River-lakes Residential Campus and respond to a need within the community and the region. Given the site was already determined to be a suitable location for an alternative housing option designed for individuals who may need personalized services or help with activities of daily living, the addition of a Nursing Home will only further this intent. Additionally, a Nursing Home was a permitted land use on the subject property prior to the 2019 rezoning to the RLRC (River-Lakes Residential Campus) Zone.

The addition of this land use within the RLRC Zone does not change the number of buildings or the building form that is permitted on the site. The intent is to allow a Nursing Home within one or more of the five 4-storey buildings which are permitted on the site. The inclusion of a Nursing Home at this location would be a suitable housing form to allow members of the community to age in place and provide a needed service to the region.

Site Plan Approval

The RLRC Zone requires development to proceed by way of a Site Plan Approval Process. The Site Plan Approval Process assures a proposal complies with the use, built form, and design requirements of the RLRC Zone and is required in advance of approval of a permit for development. The proposal is to add Nursing Homes to the list of permitted uses in within the RLRC Zone; this use would still have to adhere to all the Site Plan Approval provisions of the RLRC Zone. Some of the existing requirements which would apply are as follows:

- A residential campus consisting of a maximum of 5 multiple unit dwellings where services and amenities are provided to those individuals who may need personalized service or help with activities of daily living;
- Maximum building size of 4 storey and 4,180.6 square metres (45,000 square feet);
- 60% of the site retained as a non-disturbance;
- Architecture as per requirements of the River-lakes Secondary Planning Strategy;
- All proposed parking and loading facilities shall be located in close proximity to the buildings; and
- A Traffic Impact Study and a Phosphorus Net Loading Study at Permit Stage in accordance with Policies RL-22 and RL-25 of the River-lakes Secondary Planning Strategy.

Impact on Adjacent Properties

Allowing Nursing Homes as a permitted use within the RLRC Zone would not result in an increase to the number of buildings permitted within the Zone. Allowing this use within the zone would simply allow the use to occur within one or more of the five permitted buildings. The potential community impact of the proposed LUB amendments is therefore minimal.

Impact on Traffic and Environment

There are no traffic and environmental studies required prior to the approval of this particular proposed LUB amendment. However, in accordance the provisions of the RLRC Zone and Polices RL-22 and RL-25, a Traffic Impact Study (TIS) and a Phosphorous Net Loading Assessment (PNLA) is required at the permitting stage and these studies will be required and approved by the Municipality before a development permit is issued.

As outlined in Policy RL-25 and the requirements of the RLRC Zone for this site, a Traffic Impact Study is necessary to determine the impact of the development on the surrounding road network. The study will consider travel along the Fall River Road and at the Highway 2 Intersection, the Highway 102/Highway 118 interchanges, and the Lockview Road and MacPherson Road intersection. If the Traffic Impact Study reveals that the proposed development will have negative impact on the surrounding road network, then

the development will need to be revised and only permitted to proceed where methods/improvements have been taken to reduce the negative impact.

As outlined in Policy RL-22 and the requirements of the RLRC Zone for this site, a Phosphorus Net Loading Study/Assessment will be provided to the Municipality to determine if the development will export a higher amount of phosphorus from the subject site during or after the construction than the amount of phosphorus determined to be leaving the subject property prior to the development. If the Phosphorus Net Loading Study reveals that the phosphorus levels predicted to be exported from the proposed development exceed the phosphorus levels currently exported from the site, then the proposed development will not be permitted to take place unless methods proposed to reduce phosphorus export levels to those current before the proposed development.

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 Covid-19 pandemic has further demonstrated the growing need for more Nursing Homes and given that Site B has as already been determined to be a suitable location for an alternative housing option that is designed for individuals who may need personalized services or help with activities of daily living, the addition of a Nursing Home will further this intent and allow individuals to age in place. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2020-2021 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 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 is contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

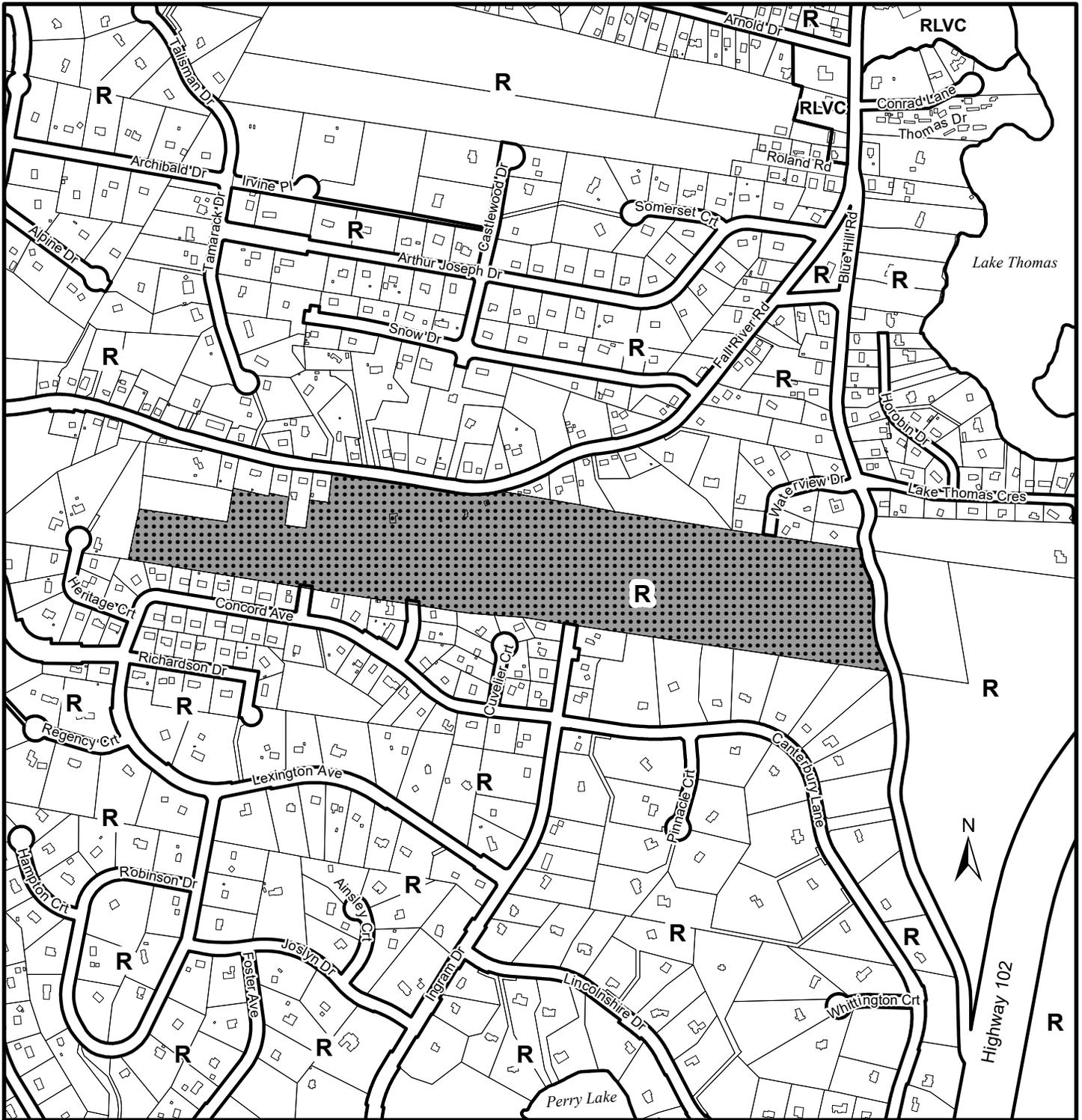
1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West 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 Location
Map 3:	Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Summary of Public Feedback

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: Maria Jacobs, Planner, 902.943.4318

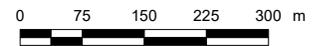


Map 1 - Generalized Future Land Use

1085 & 1109 Fall River Rd,
Fall River

HALIFAX

 Subject Property



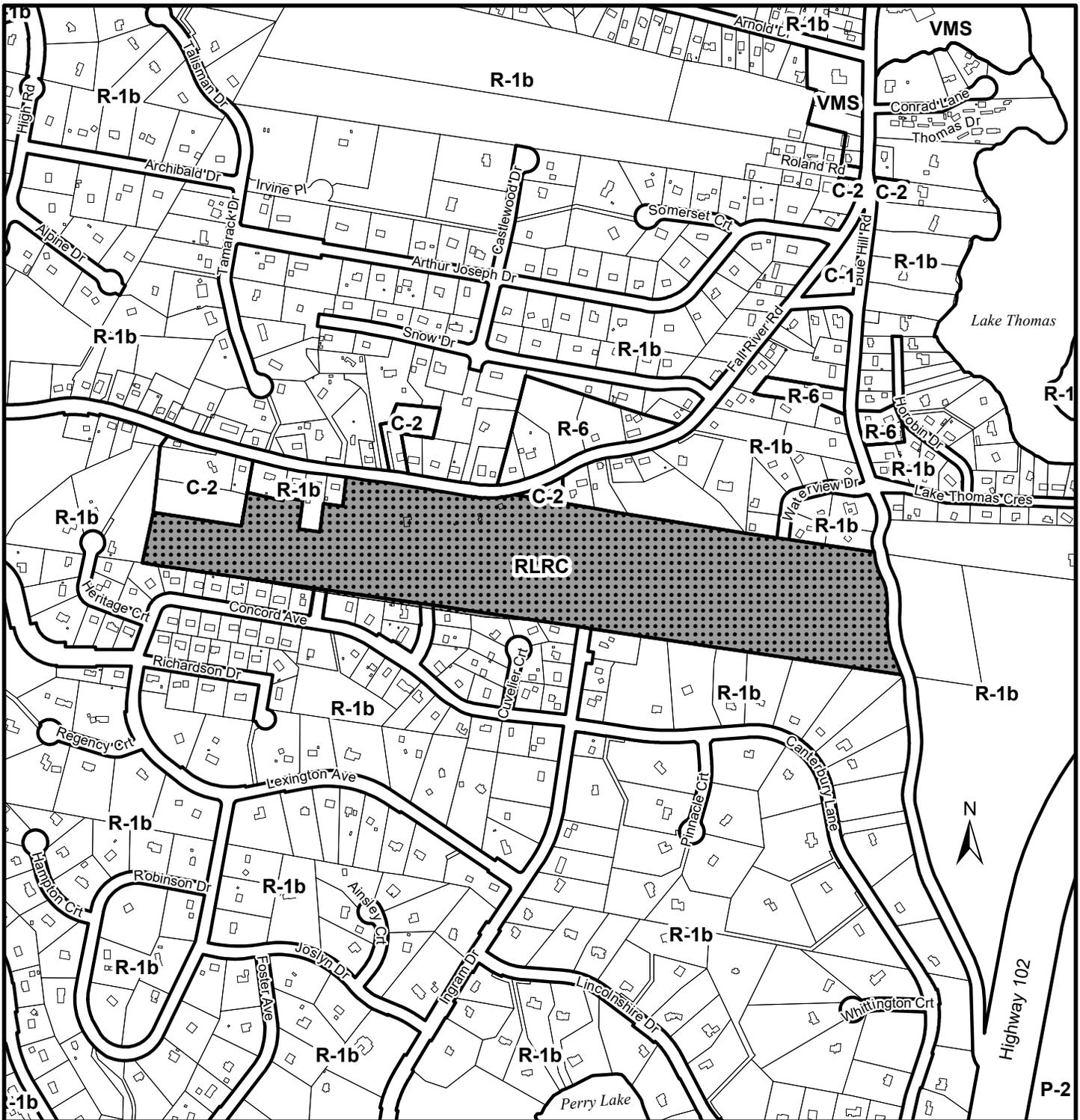
Designation

- R Residential
- RLVC River-lakes Village Centre

Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

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 and Location

1085 & 1109 Fall River Rd,
Fall River

HALIFAX

 Subject Property

Zone

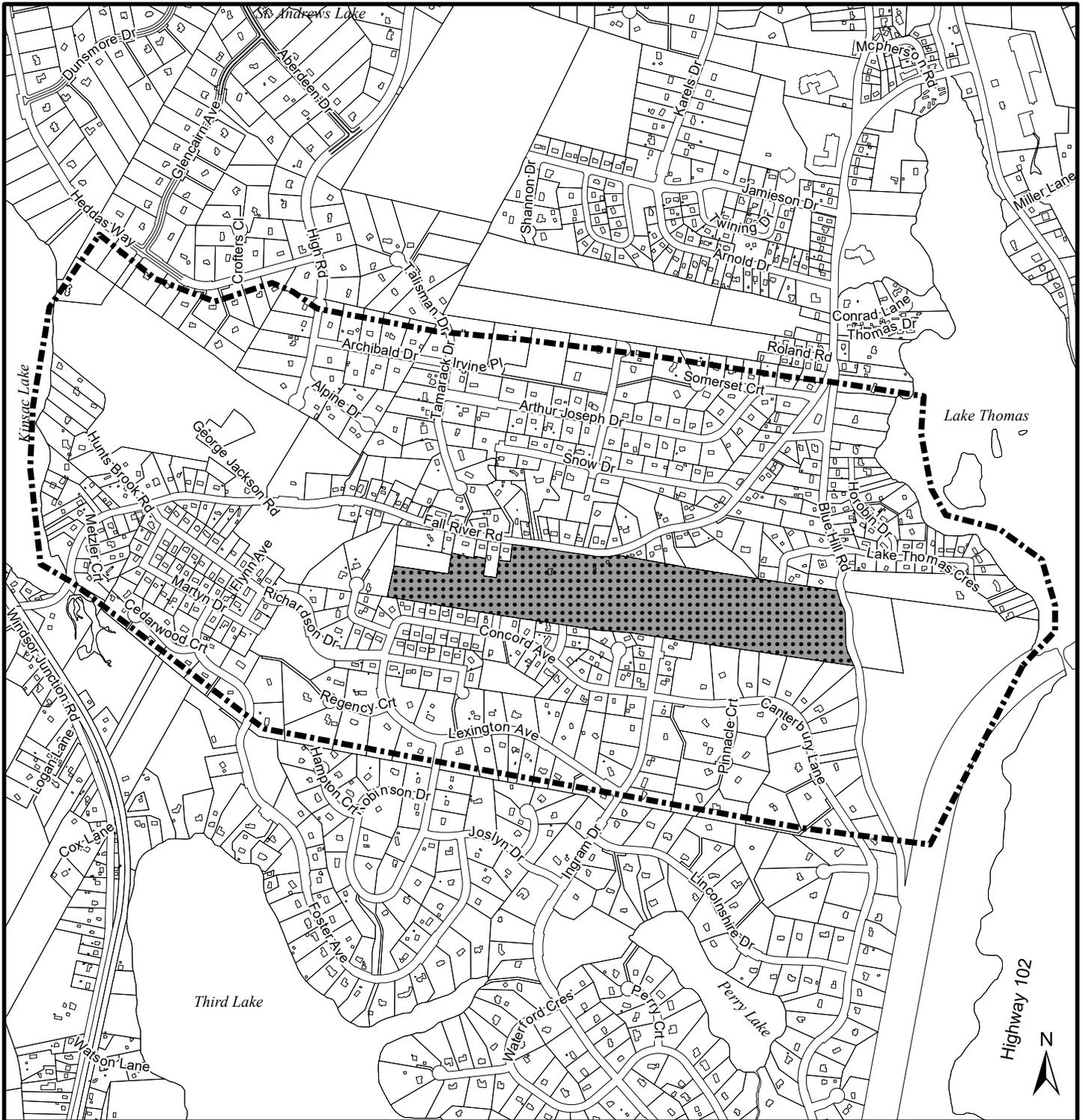
- R-1b Suburban Residential
- R-6 Rural Residential
- C-2 Local Business
- C-1 Community Commercial
- P-2 Community Facility
- VMS Village Main Street
- RLRC River Lakes Residential Campus



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.

Planning Districts 14 & 17
(Shubenacadie Lakes) Land Use By-Law Area



Map 3 - Notification Area

1085 & 1109 Fall River Rd,
Fall River

HALIFAX

-  Subject Property
-  Area of Notification



Planning Districts 14 & 17
(Shubenacadie Lakes) Land Use By-Law Area

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

ATTACHMENT A

Proposed Amendment to the Land Use By-law for the Planning Districts 14 and 17 (Shubenacadie Lakes)

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning districts 14 and 17 (Shubenacadie Lakes) is hereby further amended as follows:

1. Adding the following shown in **bold** below after “Multiple Unit Dwellings” and before “Office” of Part 14G.1(2)

PART 14G: RLRC (RIVER-LAKES RESIDENTIAL CAMPUS) ZONE (RC-Mar 5/19;E-Apr 6/19)

14G.1 RLRC USES PERMITTED

- (1) Subject to 14G.10, all development within the RLRC Zone, as shown on Schedule B, shall be subject to Site Plan Approval.
- (2) The following uses are permitted within the RLRC (River-Lakes Residential Campus) Zone:

Multiple Unit Dwellings
Nursing Homes
Office
Day Care Facilities
Medical Clinic
Personal Service
Park and Open Space
Recreation Uses

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on February 8, 2021.

Iain MacLean
Municipal Clerk

Attachment B

Review of Relevant MPS Policies

River Lakes Secondary Planning Strategy:

Site B – Fall River Village North Residential Opportunity Site (RC-Mar 5/19;E-Apr 6/19) Site B is situated at the north-end of Fall River Village, running parallel with the Fall River Road. It is a 49.3 acre site that was once the site of the “Old Carr Farm”. It has a natural landscape with rolling hills, low lying areas and mature vegetation. These features offer an opportunity to offset the differences in scales of development if it is designed to fit into the natural landscape. The River-lakes SPS recognizes the urgent need for alternative housing forms in Fall River, specifically multiple unit dwellings. Population in Fall River has more than doubled from 1996-2016 and the proportion of the population aged 65 and above in Fall River rose from 5.2% (421 people) in 1996 to 11.1% (1139 people) in 2016.⁴⁶ To help support this change in demographics and increase in population there is a need for alternative housing, therefore, Site B has been selected because of its size, reasonable proximity to services and amenities and ability to provide an alternative housing options, specifically multiple unit dwellings in a catchment area including Waverly, Lakeview, Windsor Junction, Fall River, Wellington, Fletchers Lake, Oakfield and Grand Lake. Site B provides an opportunity to develop a series of multiple unit dwelling(s) with services and amenities provided on site. The purpose of this housing option, acknowledging that additional site density is required to provide an economy of scale that allows for the establishment of additional site facilities, is to support those individuals who may need personalized services or help with activities of daily living. A new zone will regulate site development through the Site Plan Approval process.

Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy

Policy Section	Policy text	Comment
RL-13	<p><i>The River-Lakes Residential Campus Zone shall be created under the schedules of the Land Use By-law. The intent of this Zone is to enable a series of multiple unit dwelling(s) with services and amenities. This zone is only applied to Site B as shown on Map RL-3 and subject to appropriate land use by-law requirements and site plan approval. To ensure development compliments the surrounding neighbourhood and is built to reflect an integrated approach to design, building form, and site development, controls related to architecture, landscaping, retention of vegetation, driveway access, parking, pedestrian access, outdoor lighting, signage, and accessory buildings shall be established in the land use by-law.</i></p>	<p>This zone is only applied to Opportunity Site B, the subject property. Site B is a location that has been selected to support the need for alternative housing in the community of Fall River. Allowing Nursing Homes as a permitted on this site will further the intent of providing a series of dwellings with service and amenities which are designed to support those individuals who may need personalized services or help with activities of daily living and allow aging in place. All development within Site B must meet the site-plan approval requirements prior to a Development Permit.</p>
P-155	<p><i>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	
a)	<p><i>that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>This proposal aligns with the policies for Residential Opportunity Site B as outlined in the MPS for Planning Districts 14 & 17 and discussed in the staff report.</p>

b)	<i>that the proposal is not premature or inappropriate by reason of:</i>	
	<ul style="list-style-type: none"> <i>i. the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>ii. the adequacy of central or on-site sewerage and water services;</i> <i>iii. the adequacy or proximity of school, recreation or other community facilities;</i> <i>iv. the adequacy of road networks leading or adjacent to or within the development; and</i> <i>v. potential for damage to or for destruction of designated historic buildings and sites.</i> 	<p>The applicant is responsible for all costs of the development. Central water is provided to the site and connection is at the cost of the developer. Any on-site systems will be approved by NS Environment prior to issuance of permits. The Site was identified during the Community Visioning and Plan Review process because of its location in proximity to the services currently provided in the community. A Traffic Impact Study will be required prior to a Development Permit.</p>
c)	<ul style="list-style-type: none"> <i>i. that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i> <i>ii. type of use;</i> <i>iii. height, bulk and lot coverage of any proposed building;</i> <i>iv. traffic generation, access to and egress from the site, and parking;</i> <i>v. open storage;</i> <i>vi. signs; and</i> <i>vii. any other relevant matter of planning concern.</i> 	<p>These elements are address through the provisions and requirements of the applied RLRC Zone and the Site Plan Approval process.</p>
d)	<i>that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.</i>	<p>These features were identified and considered when the site was selected as an Opportunity Site through the Secondary Planning process. Further, features are address through the provisions and requirements of the applied RLRC Zone and the Site Plan Approval process. The consideration of a Nursing Home on Site B does not further impact these features.</p>
e)	<i>Within any designation, where a holding zone has been established pursuant to Infrastructure Charges - Policy P-64F@, 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)</i>	N/A

Attachment C: Summary of Public Feedback**Case 23086 – Site B, Fall River Road, Fall River**
RE: A Land Use Amendment to the RLRC Zone to permit a long term care facility

Public consultation was conducted through a mailout to neighbouring properties and tenants. (mail out notification area in Map 3) HRM Notice requesting comments and feedback on application were mailed out **October 30, 2020 to approximately 540** addresses within the notification radius. The notice gave a brief overview of the proposal submitted by the applicant. The notice included the suggested questions below, and directed interested parties to the HRM website where copies of the plans and letter of rational were posted. The notice also directed comments or requests for further information to the HRM Planning staff contact at the bottom of the notice.

Things to consider when providing your comments/responses:

- Do you think this is an appropriate location for Nursing Home / Long Term Care Facility?
 - Is this a suitable land use with in the River Lake Residential Campus?
 - If you have concerns, what would you like to see added or changed?
-

As of November 30, 2020:

- 24 residents responded – 20 e-mails and 4 phone calls
- 14 generally supporting the proposal and
- 10 opposing the proposal.

SUMMARY of ISSUES:

- Seniors want to stay in the area and this will allow it;
- Proposal provides much needed housing in the community;
- Increased traffic onto Fall River Road from a single access point;
- Size of the overall development in a semi-rural community;
- Blasting may impact nearby wells, pools and foundations; and
- Waste water and runoff onto adjacent properties and into Lake Thomas.

Twenty-four (24) responses were received from the residents within the notification radius, four (4) phone calls, and twenty (20) emails. Of the feedback received **fourteen (14)** were positive towards the proposal however many voiced suggestions when moving ahead with the proposal and **ten (10)** were negative towards the proposal.

The positive feedback was consistent between the fourteen (14) received, with no objection to the inclusion of a Nursing Home/ Long Term Care use on the site. The feedback expressed that finishing the development would provide residents an alternative housing option in the area. Another common theme was the wait for alternative senior housing in the area so that they can “age in place”. This amendment will provide another housing option but several comments stated that they were also hoping the apartment for seniors would also begin construction. A few residents were curious about approximate timelines of the

proposal and when the apartment buildings would be ready. Several residents however still have concerns on the traffic from the single access onto Fall River Road and the possible impact of waste water into the lake. Overall, the fourteen (14) comments supported the proposed LUB amendment and had no complaints regarding the proposed new Nursing Home use being added to the RLRC zone applied to Site B.

Generally, these residents believed the housing type and use will be a good fit on the site and look forward to the development in the neighbourhood nearing completion.

The negative feedback focused on three (3) main issues: increase traffic on Fall River Road, impact on environment, the scale and suitability of these buildings in the semi-rural setting of the Fall River community. Of the ten (10) comments received, eight (8) raised concerns regarding traffic, seven (7) brought up concerns regarding the scale of the entire development and brought up concerns regarding the suitability of the use on the adjacent residential neighbourhood. The concerns around traffic related to the increase vehicular traffic from the residents and staff of the proposed nursing home travelling on Fall River Road. Safety accessing the site was also a concern for several residents. Residents of the area have stated the volume on Fall River Road is currently very high and the additional traffic from this proposal, and the other properties under development in the area, will make the situation even worse.

Environmental concerns were raised by four (4) residents that submitted comments. One resident is concerned about the run off and poor drainage from the site since it is on a hill. Another resident thinks a nursing home will produce more pharmaceuticals that will eventually seep into the ground water and into Lake Thomas. Three (3) of the residents that submitted comments were concerned about waste water and wanted to know when the study would be submitted to determine the environmental impact. In addition, three (3) residents mentioned that any blasting for the development will have a significant impact on neighbouring properties.