



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 10.1.2
Halifax and West Community Council
December 5, 2023
January 16, 2024

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *- Original Signed -*

Jacqueline Hamilton, Executive Director of Planning and Development

DATE: November 20, 2023

SUBJECT: PLANAPP 2023-00651: Rezoning of 2 Marie Avenue, Halifax

ORIGIN

Application by Sunrose Land Use Consulting, on behalf of Princeton Long Term Care Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone an existing 8.75 acre vacant lot at 2 Marie Avenue, Halifax from the R-1, R-2 and H zones to P (Park & Institutional) Zone and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A.

BACKGROUND

Sunrose Land Use Consulting has applied, on behalf of the property owner, to rezone an existing 8.75 acre vacant lot at 2 Marie Avenue, Halifax from R-1 (Single Family Dwelling), R-2 (Two Family Dwelling) and H (Holding) Zones to P (Park & Institutional) Zone to allow for the construction of a Shared Housing with Special Care facility.

Subject Site	2 Marie Avenue, Halifax (PID No. 40306383)
Location	NE side of Herring Cove Road, between Marie Avenue/ Holly Drive and Bronson Avenue
Regional Plan Designation	Urban Settlement (US), Urban District Growth Centre
Community Plan Designation (Map 1)	Institutional (INS), Mainland South Secondary Planning Strategy (SPS)
Zoning (Map 2)	R-1, R-2 and H zones – Map ZM-1 of LUB
Size of Site	3.5 hectares (8.75 acres)
Street Frontage	Approx. 49 metres (160 feet) on Marie Avenue, and 20 metres (67 feet) on Herring Cove Road
Current Land Use(s)	Vacant (former school)
Surrounding Use(s)	Low-density residential uses on Herring Cove Road, Marie Avenue and Holly Drive; and a Halifax Water property to the rear.

Proposal Details

The applicant proposes to construct a 3-level, 128-bed long-term care facility ('Shared Housing with Special Care') with surrounding landscaped space, surface parking, driveways and walkways. The applicant's conceptual site plan is provided for information purposes (Attachment B).

It is important to note that if the proposed rezoning is approved, the proposed development (Attachment B) could change at the permitting stage, provided that the requirements of the Land Use By-law (LUB) are met.

Enabling Policy and LUB Context

The subject property is designated Institutional (INS) pursuant to the Mainland South Secondary Planning Strategy (SPS), as set out in Section 10 of the Halifax Municipal Planning Strategy (MPS). The property is currently zoned R-1, R-2 and H zones under the Halifax Mainland Land Use By-law (Maps 1 and 2). Policy 3.3.1 in the Mainland South SPS allows for the consideration of Institutional uses throughout Mainland South through rezoning, regardless of the MPS designation.

The subject proposal is being considered pursuant to the applicable policies of the Halifax MPS (Mainland South SPS) and the Regional MPS. A review of the relevant policies is contained in Attachment C.

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 and 54 letters mailed to property owners within the notification area shown on Map 2.

Staff received 2 emails and 2 phone calls from the public and there were 285 website views. The following comments and concerns were raised regarding the rezoning proposal:

- Concern with whether there will be any impact on adjacent residential properties; and

- Concern about whether the proposed development will have an impact on birds nesting at the lower rear portion of the site.

A public hearing must be held by Halifax and West Community Council before consideration can be given to the proposed rezoning. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Halifax MPS and the Regional MPS. Attachment C provides an evaluation of the proposed rezoning in relation to the relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Land Use Compatibility and Appropriateness of Rezoning

The subject site, which is approximately 3.5 hectares (8.75 acres) in area, is of adequate size to support a Shared Housing with Special Care facility, which meets the LUB requirements. The site has street frontage on Herring Cove Road, which is one of the principal streets and transit routes in the Mainland South area, as well on as Marie Avenue/ Holly Drive. The site is partially cleared (in the area of the former school) and slopes downward towards the rear of the site. There is also an existing service easement which cuts through the middle of the site, which restricts the placement of any building on the site. Therefore, the existing lot configuration, easement and site grades are such that any proposed building will likely be located in approximately the same area as the former school.

The building is proposed to have 3 levels, which is compatible with the heights of other buildings in the area. The proposal is not expected to have any negative effects on abutting residential uses and will be required to meet all municipal requirements and regulations at the permitting stage. As noted above, the details of the proposal could change at the permitting stage.

Traffic, Transit and Municipal Infrastructure

A Traffic Impact Study dated August 24, 2023 was reviewed by staff and deemed acceptable, subject to detailed design of the driveways on Marie Avenue and Herring Cove Road being carried out at the permitting stage. An existing bus stop along the Herring Cove Road frontage will have to be relocated at that time at the applicant's expense, likely just further south in front of 666 Herring Cove Road. No other traffic concerns were raised regarding the proposed development.

Regarding transit services, the proposal is an infill development which increases density in proximity to existing transit service on Herring Cove Road, with the potential to improve ridership of the existing route by residents and visitors of the facility (refer to Priorities Plans section below).

Municipal infrastructure exists along both Herring Cove Road and Marie Avenue and is capable of supporting the proposed development. The development will comply with all design guidelines and by-laws of HRM and Halifax Water.

Regional Plan and Priorities Plans

This planning application was assessed against the objectives, policies and actions of the Halifax Regional Plan and priorities plans (Policy G-14A). The subject site is located within the Urban Transit Service Boundary and bus stops are located along Herring Cove Road. The proposed rezoning to allow for a Shared Housing with Special Care facility furthers the intent of the IMP by adding significant residential density along or close to this transit corridor.

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. Furthermore, as the subject site is designated for institutional use in the MPS, the policies support its use for institutional purposes. Therefore, staff recommend that the Halifax and West Community Council approve the proposed rezoning (Attachment A).

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2023/24 operating budget for Planning and Development.

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 rezoning are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

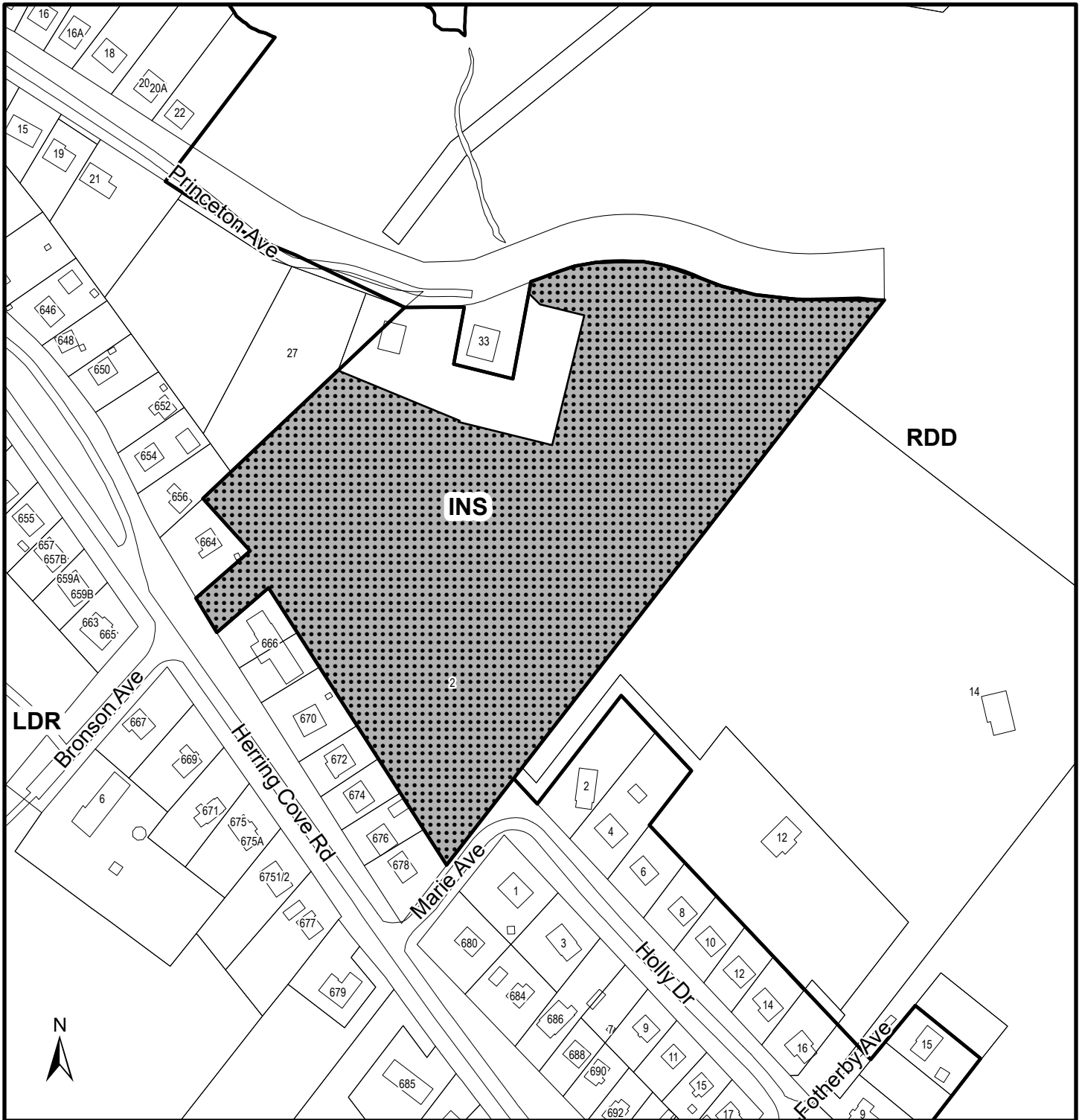
1. Halifax and West Community Council may choose to refuse the proposed rezoning and, in doing so, must provide reasons why the proposed rezoning does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amendment to the Halifax Mainland LUB
Attachment B:	Proposed Site Plan
Attachment C:	Review of Relevant MPS Policies

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

Report Prepared by: Paul Sampson, Planner II, Urban Enabled Applications, 902-717-8125



Map 1 - Generalized Future Land Use

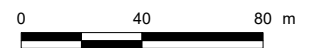
2 Marie Ave,
Halifax

HALIFAX

 Subject Property

Designation

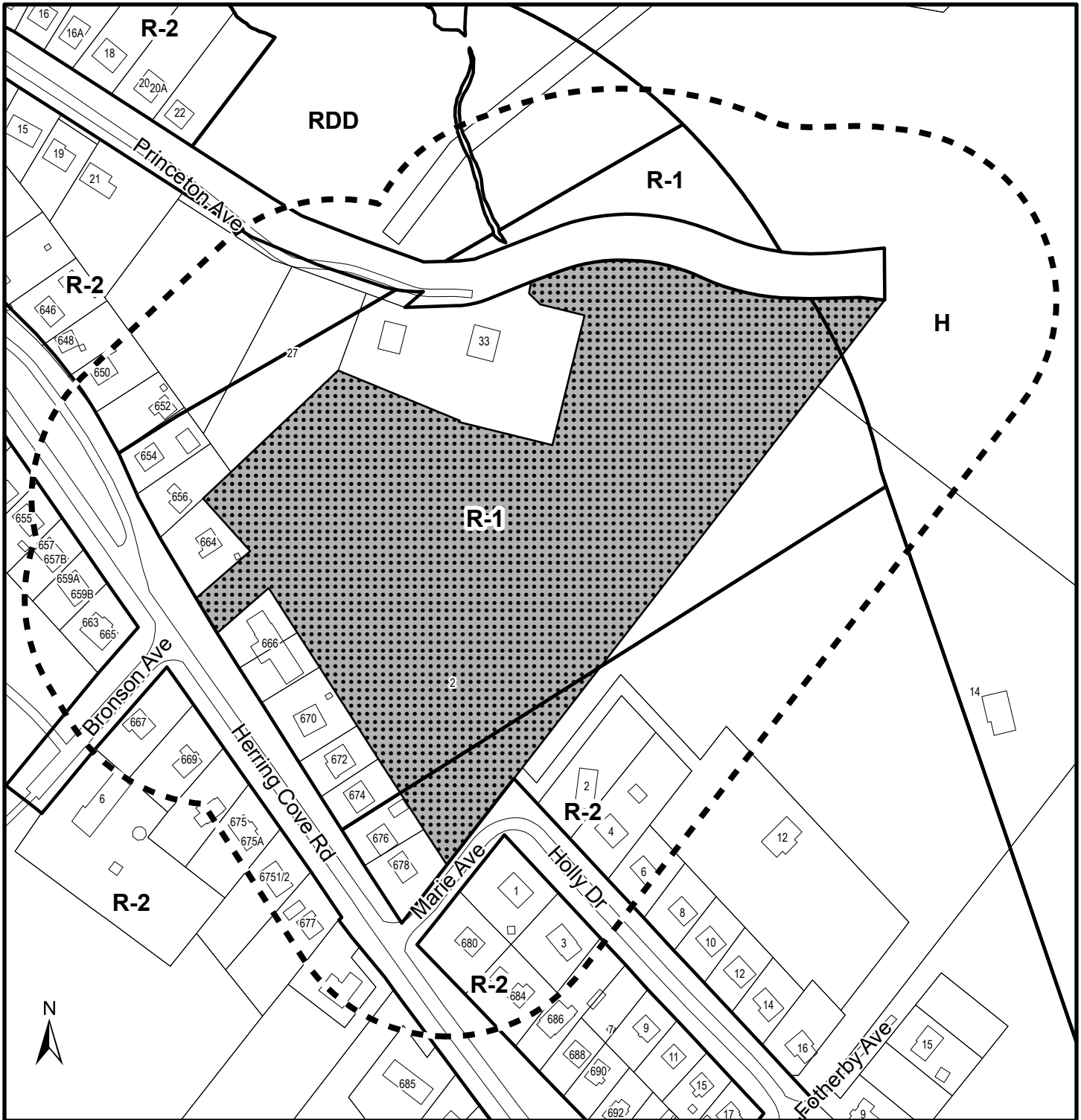
INS	Institutional
LDR	Low Density Residential
RDD	Residential Development District



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.

Halifax Mainland South
Land Use By-Law Area





Map 2 - Zoning and Notification Area

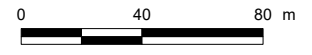
2 Marie Ave,
Halifax

HALIFAX

Zone

-  Subject Property
-  Area of Notification

- R-2 Two Family Dwelling
- RDD Residential Development District
- R-1 Single Family Dwelling
- H Holding



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.

Halifax Mainland South
Land Use By-Law Area

ATTACHMENT A

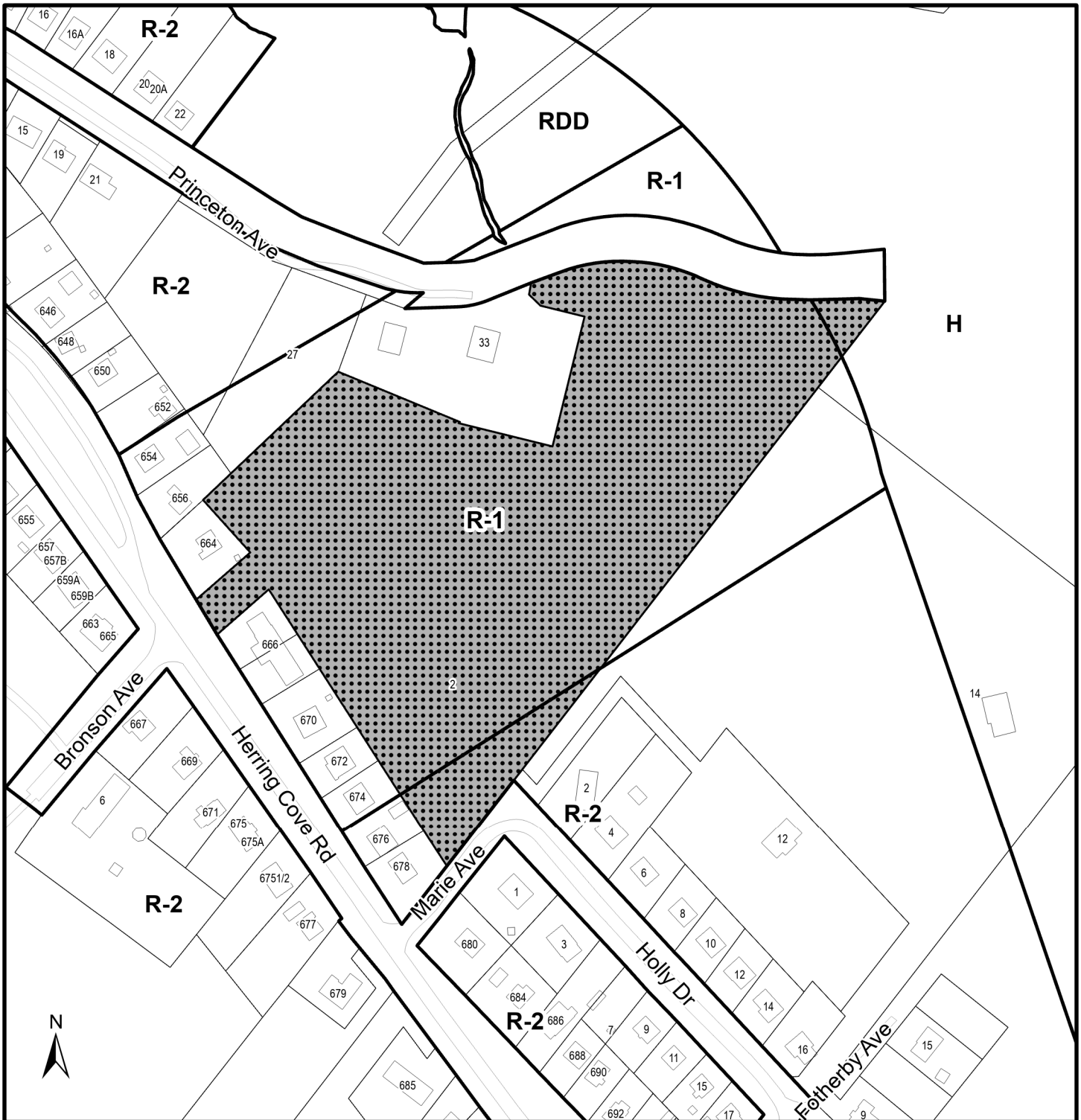
Proposed Amendment to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Amend Map ZM-1 (Zoning Map) by rezoning 2 Marie Avenue, Halifax (PID 40306383) from the R-1, R-2 and H zones to P (Park & Institutional) zone, as shown on Schedule A attached hereto.

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 Halifax and West Community Council held on [DATE], 202[#].


Iain MacLean
Municipal Clerk



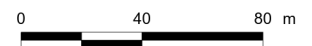
Schedule A

2 Marie Ave,
Halifax

Zone

 Area proposed to be rezoned from R-1, R-2 and H zones to P zone

- R-2 Two Family Dwelling
- RDD Residential Development District
- R-1 Single Family Dwelling
- H Holding



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.

Halifax Mainland South
Land Use By-Law Area

Attachment B: Proposed Site Plan



LEGEND

- SOFT LANDSCAPING
- ROADWAYS
- SIDEWALKS
- PROPERTY LINES
- PROPOSED ELECTRICAL LINES
- SAN PROPOSED SANITARY LINES
- STM PROPOSED STORM WATER LINES
- W PROPOSED WATER LINES

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DATE	#	ISSUE

SCALE:	As indicated
DRAWN BY:	Author
REVIEWED BY:	
DATE:	NOV 21, 2023
PROJECT TITLE	GEM PRINCETON LTC
Project Number	
SHEET TITLE	SITE PLAN

Attachment C – Review of Relevant MPS Policies

Halifax Municipal Planning Strategy	
MAINLAND SOUTH SECONDARY PLANNING STRATEGY <u>Institutional designation</u>	
Policy	Staff Comments
<p>INSTITUTIONAL Objective: <i>Public and private institutional uses to serve the Mainland South area and the City.</i></p>	
<p>Policy 3.1.1 <i>Institutional uses may be considered throughout Mainland South, through rezoning. In considering such rezoning, the City shall have regard for compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation, and noise.</i></p>	<p>The subject site is designated for Institutional use on the GFLUM (Map 9 of MPS) and was the location of a former school (Holly Drive Elementary). The proposed P zone (Park & Institutional) is the appropriate zone within this designation, which allows for a variety of community and institutional uses including shared housing with special care. The surrounding area includes primarily single-unit and semi-detached dwelling types, located along Herring Cove Road and Marie Avenue/ Holly Drive.</p> <p>The long-term care building is proposed to have 3 levels, which is compatible with the heights of other buildings in the area. If the proposed rezoning is approved, the proposed development (Attachment B) could change at the permitting stage, provided that the requirements of the LUB are met.</p> <p>The site is partially cleared (in the area of the former school) and slopes downward towards the rear of the site. There is also an existing service easement which cuts through the middle of the site, which restricts the placement of any building on the site. Therefore, the existing lot configuration, easement and site grades are such that any proposed building will likely be located in approximately the same area as the former school. In terms of intensity of use and noise impacts, the proposal is not expected to have any negative effects on abutting residential uses.</p> <p>A Traffic Impact Statement dated August 24, 2023 was carried out by Trans4m Group. The</p>

	<p>TIS was reviewed by staff and deemed acceptable. The detailed design of the driveways on Herring Cove Road and Marie Avenue/ Holly Drive intersection will be carried out at the permitting stage. In addition, an existing bus stop along the Herring Cove Road frontage will have to be relocated, likely just further south in front of civic 666, at the applicant's expense.</p> <p>Based on the above factors, the proposed rezoning is compatible with the existing neighbourhood.</p>
<p>Policy 3.2 <i>The City shall encourage existing institutional uses to remain in their present locations and shall encourage the re-use of such institutional areas and facilities, consistent with the policies of this Section and Part II, Section II.</i></p>	<p>The subject site was the location of the former Holly Drive school. The proposal would represent the re-use of the site for institutional purposes, which meets the intent of this policy. Furthermore, the subject site is designated for institutional use in the MPS.</p>
<p>CITY-WIDE OBJECTIVES AND POLICIES <u>Residential and Institutional designations</u></p>	
<p>2. RESIDENTIAL ENVIRONMENTS Objective: The provision and maintenance of diverse and high-quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p>Policy 2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods;</i></p>	<p>The proposal is compatible with the surrounding neighbourhood. Refer to Mainland South policies 3.1.1 and 3.2 above.</p>
<p>Policy 2.4.2 <i>In residential neighbourhoods alternative specialized housing such as shared housing, (RC-Aug 9/22;E-Sep 15/22) commercial uses such as daycare centres and home occupations; municipal recreation facilities</i></p>	<p>The proposal is for a 3-storey Shared Housing with Special Care facility which meets the intent of this policy.</p>

<p><i>such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</i></p>	
<p>Policy 2.8 <i>The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</i></p>	<p>The proposal is at a scale which is compatible with the residential neighbourhood and encourages a variety of housing types for senior citizens through the shared housing with special care use.</p>
<p>5. INSTITUTIONS Objective: The enhancement of employment opportunities by encouraging existing and potential institutional uses in appropriate locations.</p>	
<p>Policy 5.1 <i>Unless clearly inappropriate for the good development of the City, existing regional and City-wide institutional facilities shall be encouraged to remain in their present locations and efforts shall be made to protect, maintain and upgrade them.</i></p>	<p>The parcel is designated for institutional use in the MPS, is in a residential area and has been sitting vacant since the demolition of the previous school. The site will be permitted to continue as an institutional use under the proposed rezoning.</p>
<p>IMPLEMENTATION</p>	
<p>AMENDMENTS TO THE ZONING BY-LAW <i>4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</i></p>	
<p>Policy 4.1 <i>The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations;</i></p>	<p>The proposal conforms with the intent of the MPS and other by-laws and regulations.</p>
<p>Policy 4.2 <i>The City shall review the proposal to determine that it is not premature or inappropriate by reason of: i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all services provided by the City to serve the development.</i></p>	<p>(i) No costs to the Municipality are expected. (ii) No concerns with the adequacy of existing services have been identified.</p>

<p>Policy 4.3 <i>More specifically, for those applications for amendments to the zoning bylaw in Mainland South as defined on Map 1, the City shall require an assessment of the proposal by staff with regard to this Plan and the adopted Land Development Distribution Strategy, and that such assessment include the potential impacts of the proposal on:</i></p> <ul style="list-style-type: none"> <i>(a) the sewer system (including the budgetary implications);</i> <i>(b) the water system;</i> <i>(c) the transportation system (including transit);</i> <i>(d) existing public schools;</i> <i>(e) existing recreation and community facilities;</i> <i>(f) the provision of police and fire protection services; and any other matter deemed advisable by Council prior to any final approval by City Council.</i> 	<ul style="list-style-type: none"> (a) No concerns with the adequacy of sewer and water services have been identified by Halifax Water. As per standard practice, the applicant will be required to confirm that servicing capacity is available, and that infrastructure is adequate prior to obtaining a Construction Permit. (b) No concerns with the adequacy of sewer and water services have been identified. (c) A Traffic Impact Study dated August 24, 2023 was reviewed by staff and deemed acceptable for the purposes of this rezoning application. Regarding transit, the subject site is within the Urban Transit Service Boundary and bus stops are located along Herring Cove Road. As noted in Policy 3.1.1 above, the bus stop along the Herring Cove Road frontage is to be relocated. (d) The application has been brought to the attention of the Halifax Regional Centre for Education (HRCE) and no concerns were raised. This development is expected to have a negligible effect on school capacity. Further, The Education Act mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives. (e) There are adequate recreation and community facilities in the Spryfield area. (f) There have been no issues raised with regard to police and fire protection services.
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Halifax Regional Municipal Planning Strategy (Regional Plan)

CHAPTER 3: SETTLEMENT AND HOUSING

<p>3.3 PLANNING AND DESIGN FOR GROWTH CENTRES <i>Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported</i></p>	<p>This request is reasonably consistent with the Regional Plan's Growth Centre intentions.</p>
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<p><i>when preparing secondary planning strategies. Table 3-3 lists other Rural Centres which are no longer targeted for growth, but will continue to be recognized for their role in the rural settlement pattern. Directives for preparing a secondary planning strategy for the Regional Centre are found under Chapter 6.</i></p> <p>Table 3-1: Future Characteristics of Urban Settlement Growth Centres</p> <p>Map 1: Settlement and Transportation <i>This property falls within the Spryfield Urban District Growth Centre identified on Map 1. Table 3-1 of the Regional Plan lists intended future characteristics of Urban Settlement Growth Centres. Characteristics intended for the Spryfield centre which are applicable to this request include:</i></p> <ul style="list-style-type: none"> • <i>Mix of low, medium and high density residential, commercial, institutional and recreation uses</i> • <i>In established residential neighbourhoods, low to medium density residential uses</i> 	<p>Shared Housing with Special Care uses (approximately 128 beds) are supported, as the site is serviced, located on the periphery of the Spryfield community and is supported by nearby transit.</p>
<p>3.6 HOUSING DIVERSITY AND AFFORDABILITY Policy S-39 <i>HRM supports the development of complete communities with housing resources that are appropriate and adequate for current and future residents. While community plans and land use by-laws have traditionally used varying terms to describe different household forms such as special care facilities, transitional housing or single room occupancies, HRM has adopted the term shared housing to describe such uses. Shared housing use is a broad term that describes a variety of household forms where housing is shared by a group of individuals living under separate leases or agreements where support services may or may not be provided. In supporting the provision of shared housing uses HRM</i></p>	<p>The parcel is designated for institutional uses within the surrounding residential area. Policy S-39 b) reiterates that such shared housing in institutional zones is compatible with the surrounding residential uses.</p>

<p><i>(b) through the applicable land use by-laws, may permit shared housing in institutional zones at a scale and density that is compatible with surrounding uses;</i></p>	
<p>CHAPTER 4: TRANSPORTATION AND MOBILITY</p>	
<p>Policy T-9 <i>HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.</i></p>	<p>The subject site is within the Urban Transit Service Boundary and bus stops are located on Herring Cove Road. The proposed rezoning and development for a Shared Housing with Special Care facility will result in an increase in residents and visitors who may utilize transit services. This meets the intent of this policy.</p>
<p>PRIORITIES PLANS</p>	
<p>Policy G-14A <i>In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:</i></p> <p><i>(a) The Integrated Mobility Plan;</i> <i>(b) Halifax Green Network Plan;</i> <i>(c) HalifACT;</i> <i>(d) Halifax’s Inclusive Economic Strategy 2022-2027; and</i> <i>(e) any other priority plan approved by Regional Council while this policy is in effect.</i></p>	<p>See comments below on the Integrated Mobility Plan.</p>
<p>Integrated Mobility Plan</p>	
<p>3. MODE-SPECIFIC POLICIES</p>	
<p><i>3.2 Transit</i></p>	
<p>Objective 3.2.1 <i>Enhance transit service by increasing the priority of transit and improving the integration of transit service with land use and settlement patterns.</i></p>	<p>This proposal is an infill development which increases density in proximity to existing transit service on Herring Cove Road, with the potential to improve ridership of the existing route by residents and visitors of the facility.</p>