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Item No. 14.1.1
North West Community Council
November 18, 2024

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: November 4, 2024

SUBJECT: **PLANAPP-2024-00385: Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to amend Appendix A-1 to correct the number of dwelling units from 57 to 64 for PID 00346874 (2361 Hammonds Plains Road, Hammonds Plains)**

ORIGIN

Application by Sightline Planning & Approvals on behalf of the property owner.

EXECUTIVE SUMMARY

This report recommends amendments to Appendix A-1: Existing Senior Citizens Housing Uses of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law for PID 00346874 (2361 Hammonds Plains Road) to correct the allowable number of dwelling units from 57 to 64. It was brought to staffs' attention that the 57 dwelling units identified as allowable for PID 00346874 in Appendix A-1 is incorrect. Staff have completed a detailed review of the matter and have concluded a clerical error was made and the total number of dwelling units for the subject site should be 64. Staff recommend that North West Community Council amend Appendix A-1: Existing Senior Citizens Housing Uses for the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law for PID 00346874 to change the total number of dwelling units from 57 to 64. There are no financial implications or noted anticipated risks arising from the increase in the total number of dwelling units from 57 to 64.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Appendix A-1 of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law to increase the total number of dwelling units for PID 00346874 from 57 to 64, as set out in Attachment A and schedule a public hearing; and
2. Adopt the amendment to text of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law set out in Attachment A.

BACKGROUND

Sightline Planning & Approvals, on behalf of the property owner, has applied to amend Appendix A-1 of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) to increase the total number of dwelling units for PID 00346874 (2361 Hammonds Plains Road, Hammonds Plains) from 57 to 64.

Subject Site	2361 Hammonds Plains Road (PID 00346874)
Location	North side of Hammonds Plains Road, west of the Hammonds Plains Road and Pockwock Road intersection
Regional Plan Designation	Rural Commuter (RC)
Community Plan Designation (Map 1)	Mixed Use B (MUB) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
Zoning (Map 2)	Mixed Use 1 (MU-1) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
Size of Site	31,322.67 square meters (7.74 acres)
Street Frontage	Approximately 208 meters (682.4 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	Residential (primarily single unit); Foxpoint Stables (north of the subject site fronting on Pockwock Road); and Sipekne'katik Entertainment Centre (east of the subject site).

Enabling Policy and LUB Context

On August 9, 2022, Regional Council adopted a comprehensive set of housing policies and regulations for shared housing. This includes housing designed for seniors, those in need of support or personal care, those in need of affordable housing options or those seeking a group-style living arrangement. This approach allows for greater flexibility when designing the inside of a residential building to allow for new forms of living, while still requiring the outside of the building to meet the established built form rules in the neighbourhood. The inclusion of shared housing allows a greater variety of housing forms across the municipality, particularly in residential areas. The definition for shared housing with special care replaced terms related to residential care use, long term care, assisted care or housing targeted to seniors and the intent is to ensure shared housing with special care is targeted to residents who require care and a higher building standard inclusive of additional accessibility and safety features.

At the July 12, 2022 Regional Council meeting, Council gave first reading of the proposed region-wide amendment for shared housing, passing a motion that allowed 'Senior Citizens Housing' to remain a permitted use within the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB), in order to allow extra time for active projects to continue to move through the application process.

On May 23, 2023, a public hearing was held by Regional Council on the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville LUB, as well as a larger list of amendments proposed as part of the Regional Wide Approach to Shared Housing report. Council deferred the motion and requested a supplementary report from staff outlining options to extend the timeline for the commencement of construction for projects with issued permits for 'Senior Citizens Housing' within the MU-1 (Mixed Use 1) zone of the Beaver Bank, Hammonds Plains and Upper Sackville plan area. On September 12, 2023, a public hearing was held on the deferred motion, resulting in Council approval of the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville LUB, including the approval of Appendix A-1. Appendix A-1 lists the properties that had an issued development permit for Senior Citizens Housing use within the MU-1 zone along with the associated number of units, allowing for reissuance of the permit until May 26, 2026, effectively allowing additional time for commencement of construction for the listed projects.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS and Regional Council's approval of Appendix A-1 of the Beaver Bank, Hammonds

Plains and Upper Sackville LUB. Attachment A contains the proposed Land Use By-law amendment that would correct the listed total number of dwelling units for PID 00346874 (2361 Hammonds Plains Road, Hammonds Plains) from 57 to 64.

Issued Development Permit for 64 Units

Staff have completed an extensive review of the development permit issued for the subject property and have concluded that a clerical error was made on the identified permitted number of units within the Appendix A-1. A development permit for 64 units of 'Senior Citizens Housing' was approved for the subject property on February 6, 2023. Staff recommend that Appendix A-1 be amended to correct this clerical error.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council.

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 and Regional Council's approval of Appendix A-1 of the Beaver Bank, Hammonds Plains and Upper Sackville LUB. A clerical error occurred during the drafting of Appendix A-1 where PID 00346874, 2361 Hammonds Plains Road, resulting in the total number of dwelling units being listed as 57, instead of the 64 that was permitted through the permit process. This amendment to Appendix A-1 is considered housekeeping in nature which will correct an identified error. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2024-2025 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 LUB amendment are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). 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 letters mailed to property owners within the notification area.

A total of 72 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 402 unique pageviews over the course of the application, with an average time on page of 32 seconds. The public comments received included the following topics:

- Concerns about construction within the community of the approved senior citizens housing developments included within Appendix A-1;

- Concerns about the lack of transit and current traffic conditions within the community;
- Concerns about the lack of a secondary emergency access within the community; and
- Questions about the detailed site layout of the development including the location of the septic field, specifically in relation to the watercourse and wetland present on the subject property.

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 advertisement on the HRM webpage, 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.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

ALTERNATIVES

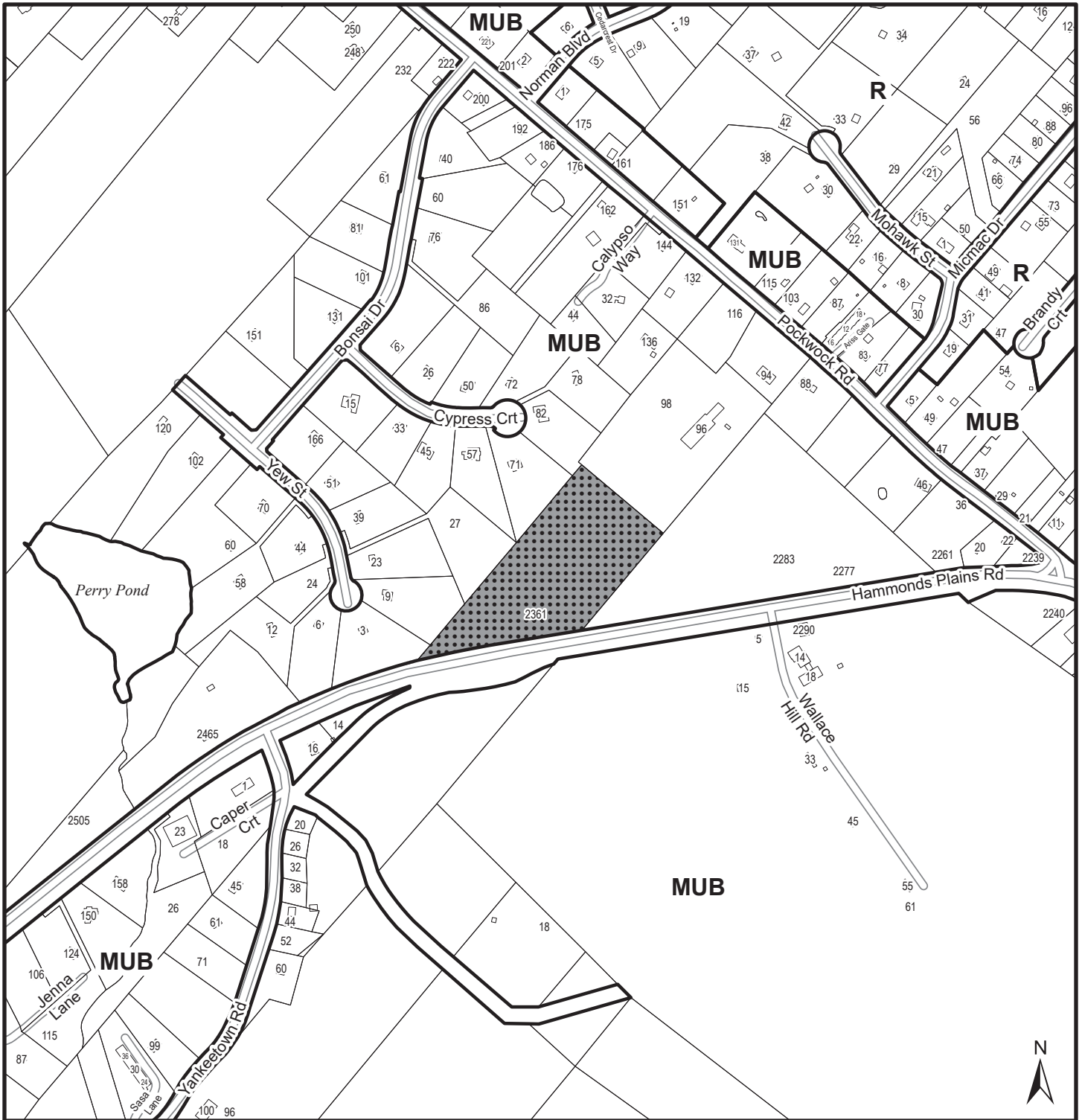
1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment 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 Notification Area


Attachment A: Proposed LUB Amendment

Report Prepared by: Jess Harper, Principal Planner – Rural Policy & Applications, 902.478.6875

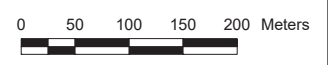


Map 1 - Generalized Future Land Use

2361 Hammonds Plains Road,
Hammonds Plains

 Subject Property

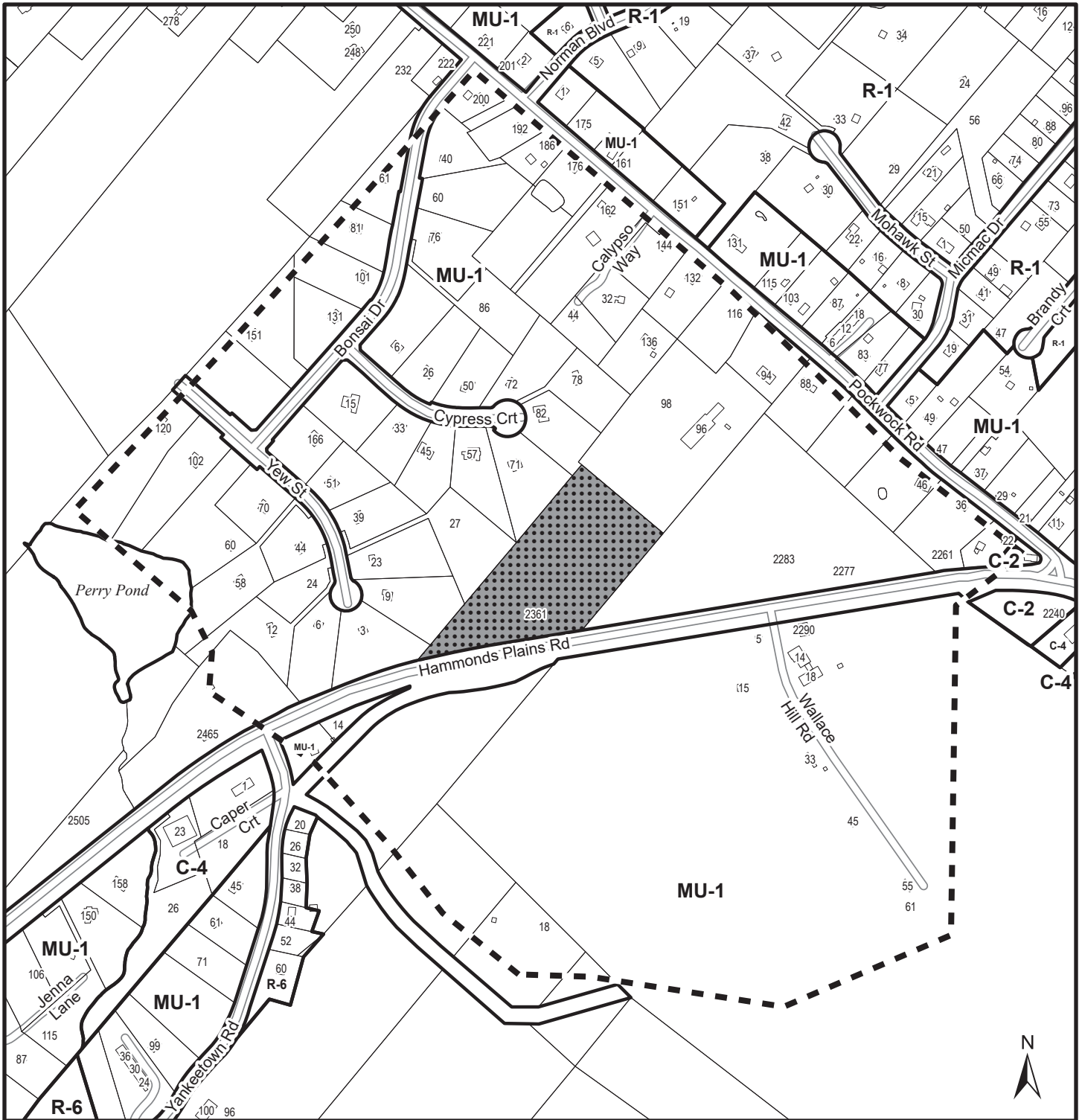
Designation
 MUB Mixed Use B
 R Residential



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.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

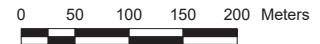


Map 2 - Zoning and Notification Area

2361 Hammonds Plains Road,
Hammonds Plains

-  Subject Property
-  Area of Notification

- Zone**
- C-2 General Business
 - C-4 Highway Commercial
 - MU-1 Mixed Use 1
 - R-1 Single Unit Dwelling
 - R-6 Rural Residential



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.

Beaver Bank, Hammonds Plains
and Upper Sackville Land Use By-Law

ATTACHMENT A

Proposed Amendment to the Land Use By-law for the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Amending APPENDIX A-1: EXISTING SENIOR CITIZEN HOUSING USES, as shown below in **bold** by adding the text "64" and ~~strike out~~ by deleting the text "57" for PID 00346874 as follows:

USE	PID	Total Number of Dwelling Unit
Senior Citizens Housing	00346874	57 64

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 **[DATE]**, 2024.

Iain MacLean
Municipal Clerk