



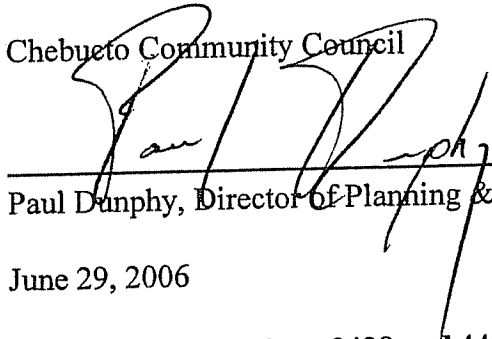
PO Box 1749  
Halifax, Nova Scotia  
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**Chebucto Community Council**  
**August 14, 2006**

**TO:**

Chebucto Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Planning & Development Services

**DATE:**

June 29, 2006

**SUBJECT:**

**Case 00692: Rezoning of 438 and 440 Herring Cove Road, Halifax, and  
Amendment to Halifax Mainland Land Use By-law**

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### **ORIGIN**

- Application by the Municipality, on behalf of the Society of St. Vincent de Paul, to rezone Civic #438 and 440 Herring Cove Road from R-4 and RC-1, respectively, to P (Park and Institutional) to allow for lot consolidation and construction of the Society's new community service centre ("community facility").

### **RECOMMENDATION**

It is recommended that Chebucto Community Council:

1. Give First Reading to the proposed rezoning and schedule a public hearing.
2. Approve the rezoning of 438 Herring Cove Road from R-4 (Multiple Dwelling) zone to P (Park and Institutional) zone, the rezoning of 440 Herring Cove Road from RC-1 (Neighborhood Commercial) zone to P (Park and Institutional) zone and an amendment to the Halifax Mainland Land Use By-law, as contained in Attachment A, to revise the definition of "Community Facility".

**BACKGROUND**

“Hand-in-Hand”, which is an outreach of the Society of St. Vincent de Paul, operates a community service centre at 436 Herring Cove Road, Halifax (refer to Map 1). The centre provides for the needs of the poor by providing used clothing and furniture, household, personal and food items and educational, counselling and spiritual programs on a not-for-profit basis. The centre operates out of the former dwelling on the property and a detached storage trailer behind it.

The property at 436 Herring Cove Road as well as two abutting properties to the south (civic # 438 and 440) were originally purchased by the City of Halifax in 1990 for street improvement purposes. Street improvements were carried out and the remaining parcels were deemed surplus to the Municipality’s needs.

In 1992, the City agreed to lease 436 Herring Cove Road to the Society and to rezone the property to P (Park and Institutional) for its use as a community facility. In January of 1994, the Society purchased the property from the City. The existing buildings on the subject properties to the south (civic # 438 and 440) were demolished and the properties remain vacant and in HRM ownership today.

Due to the lack of space in their existing location and the growing needs of the poor, Hand-in-Hand needs to expand. The Society approached HRM with a proposal to purchase 438 and 440 Herring Cove Road, consolidate the properties together and construct a new building on the property. In August of 2004, the Society signed an agreement of purchase and sale with HRM for these two properties with the stipulation that the necessary rezoning and/or LUB amendments be approved to allow for the Society’s intended use of the lands.

**Description of Proposal:**

The Society proposes to construct a two-storey building (Attachments B through E) which includes:

- Hand-in-Hand store displaying used merchandise and other goods on ground level
- Ground-floor receiving bay with storage, laundry and washroom facilities
- Second-level offices, boardroom and staff facilities, and
- Parking area in front of the building, accessed off Herring Cove Road.

At the time of the Public Information Meeting held on September 2, 2004, plans for a larger building were proposed with driveway access from both Herring Cove Road and Drysdale Road. Since then, the Society re-evaluated its needs and the plans have been changed to reflect a smaller building footprint/floor area and parking/driveway access from Herring Cove Road only.

**Designation, Zoning and Enabling Policy:**

The lands are designated for High Density Residential (HDR) development under the Mainland South Secondary Planning Strategy (Section X of the Halifax MPS). Civic # 438 is zoned R-4 (Multiple Dwelling) and Civic # 440 is zoned RC-1 (Neighborhood Commercial). Policy 3.1.1 (Section X) provides the ability to rezone to the P (Park and Institutional) zone.

Staff feel that an amendment to the definition of "community facility" would be desirable in order to clarify that the proposal could be considered a permitted use under the Park and Institutional Zone.

**DISCUSSION****Municipal Planning Strategy Policies**

Policy 3.1.1 of the Mainland South Secondary Planning Strategy (MSSPS) enables Council to rezone properties to P (Park and Institutional) provided that Council consider the proposal's compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation, and noise.

In terms of the scale and intensity of use, the current zoning on the property would allow for buildings and uses which are as intense or greater in intensity than the subject proposal. As well, the surrounding R-4 zoning permits apartment buildings as-of-right. As Herring Cove Road is classified as an arterial and handles significant amounts of traffic, and many of Hand-in-Hand's clients either walk or use transit, traffic generation from the proposal does not pose any concerns. In terms of noise, Hand-in-Hand operates during daytime hours and will not have any noise impacts on neighbouring residential uses.

**Public Information Meeting/Area of Notification**

A public information meeting for this application was held on September 2, 2004. Minutes of this meeting are provided as Attachment G of this report. The notification area to be used for the public hearing is shown on Map 1.

**BUDGET IMPLICATIONS**

None.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### ALTERNATIVES

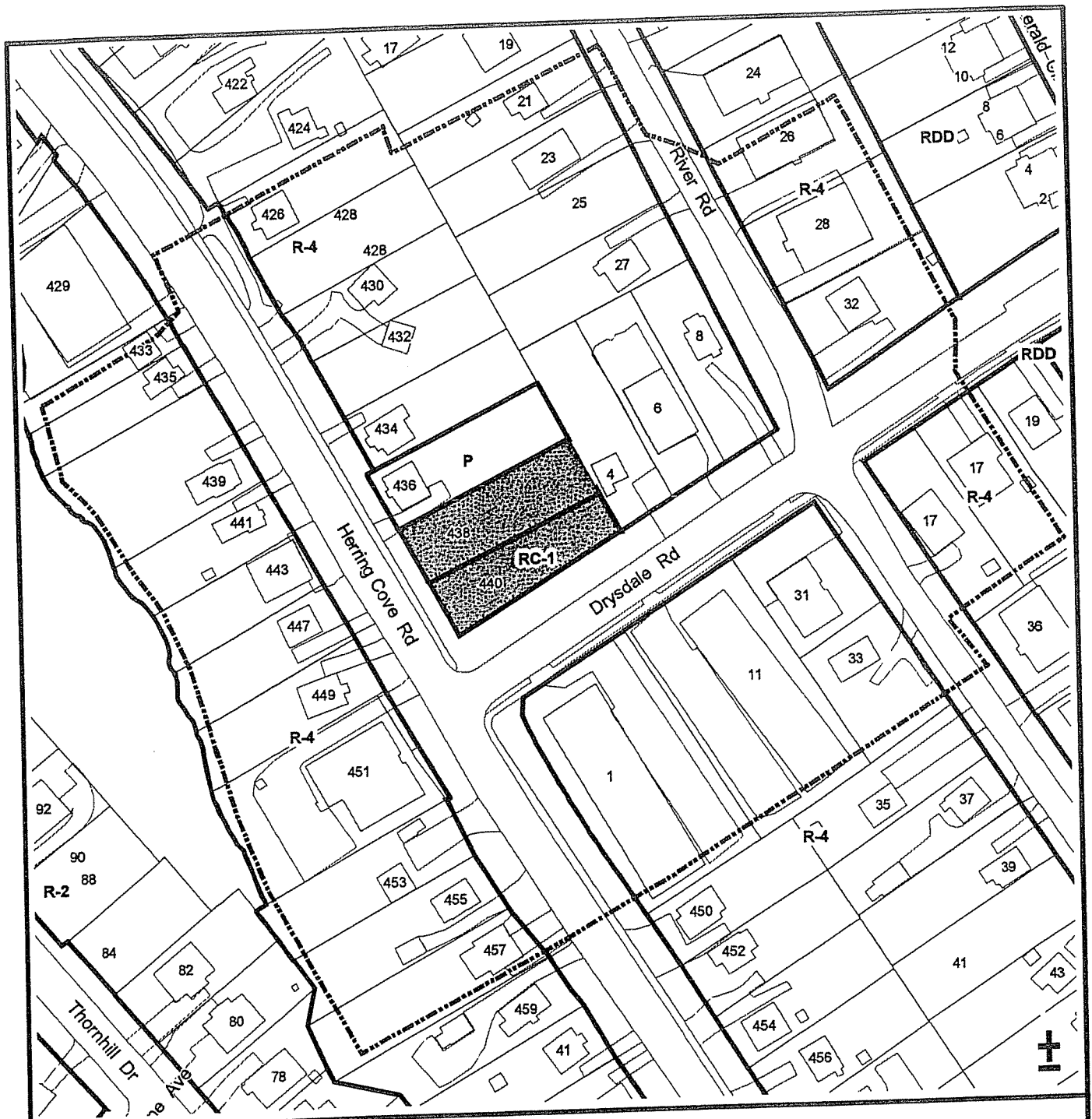
1. Council may approve the rezoning application. This is the recommended course of action.
2. Council may refuse to rezone the properties. This alternative is not recommended as staff are satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

### ATTACHMENTS


Map 1	Location, Zoning and Area of Notification
Attachment A	Draft Land Use By-law Amendment
Attachment B	Proposed Site Plan
Attachment C	Proposed Front Elevation
Attachment D	Proposed Main Floor Plan
Attachment E	Proposed Second Floor Plan
Attachment F	Excerpts from the Halifax MPS/LUB
Attachment G	Minutes form the Public Information Meeting of Sept. 2, 2004

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Sampson, Planner I, 490-6259



Map 1 - Location and Zoning  
438 - 440 Herring Cove Road  
Halifax

 Area of notification

Halifax Mainland By-Law Area



#### Zone

- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- RDD Residential Development District
- P Park and Institutional

Properties to be rezoned from  
from R-4 (Multiple Dwelling) and  
RC-1 (Neighbourhood Commercial)  
to P (Park and Institutional)

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES

0 40 m

This map is an unofficial reproduction  
of a portion of the Zoning Map for the  
Halifax Mainland By-Law area.

HRM does not guarantee the accuracy  
of any representation on this plan.

**Proposed Amendment - Halifax Mainland Land Use By-law:**

The Halifax Mainland Land Use By-law is amended by:

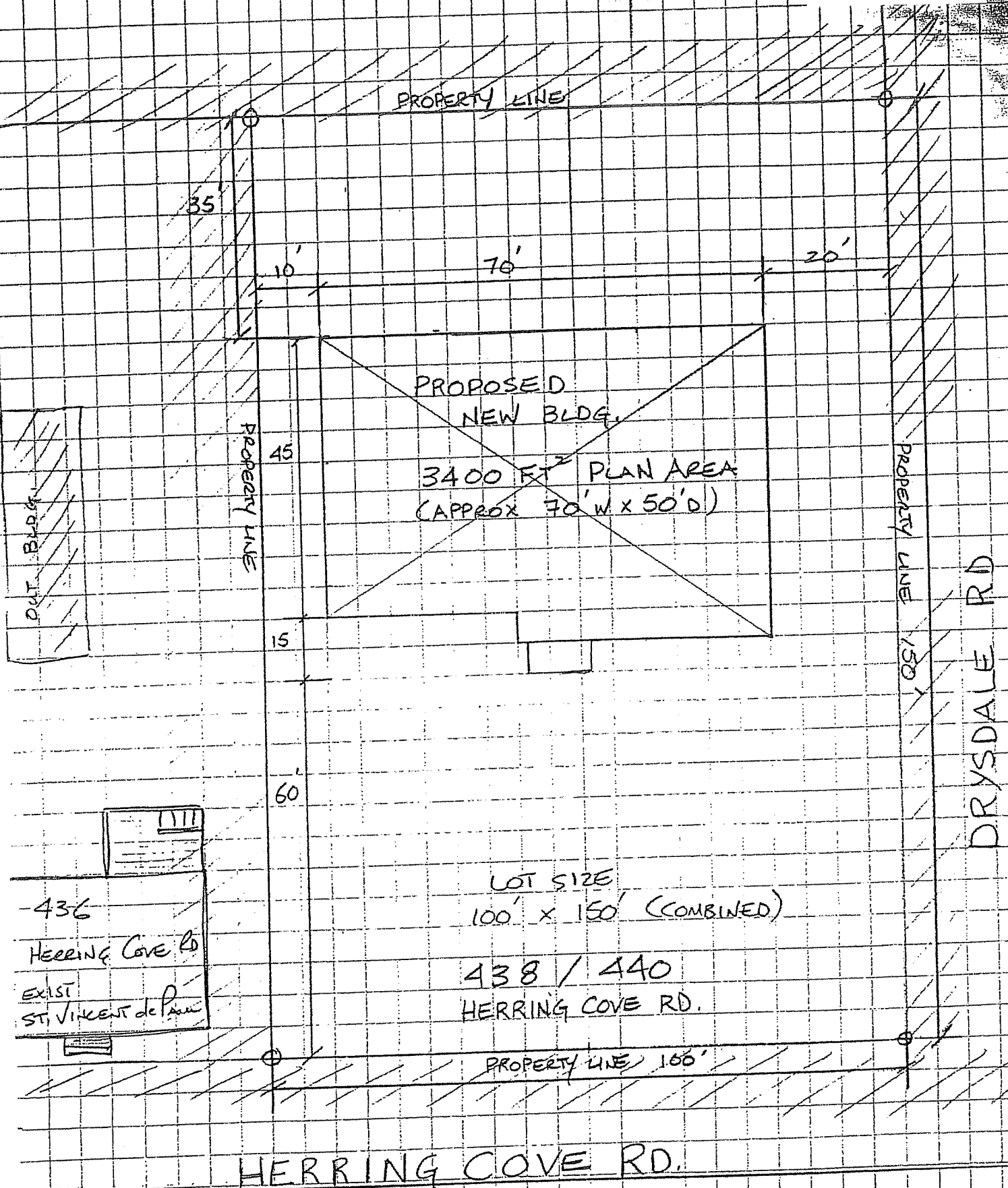
- 1.) amending Section 2 (definitions) by replacing the definition of "Community Facility" with the following definition:

“ **Community Facility**” means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall. A community facility may also include, in combination with offices or facilities of a non-profit organization, a store for the sale or provision of donated merchandise. ”

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Chebucto Community Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2006.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_ A.D., 2006.

\_\_\_\_\_  
Municipal Clerk

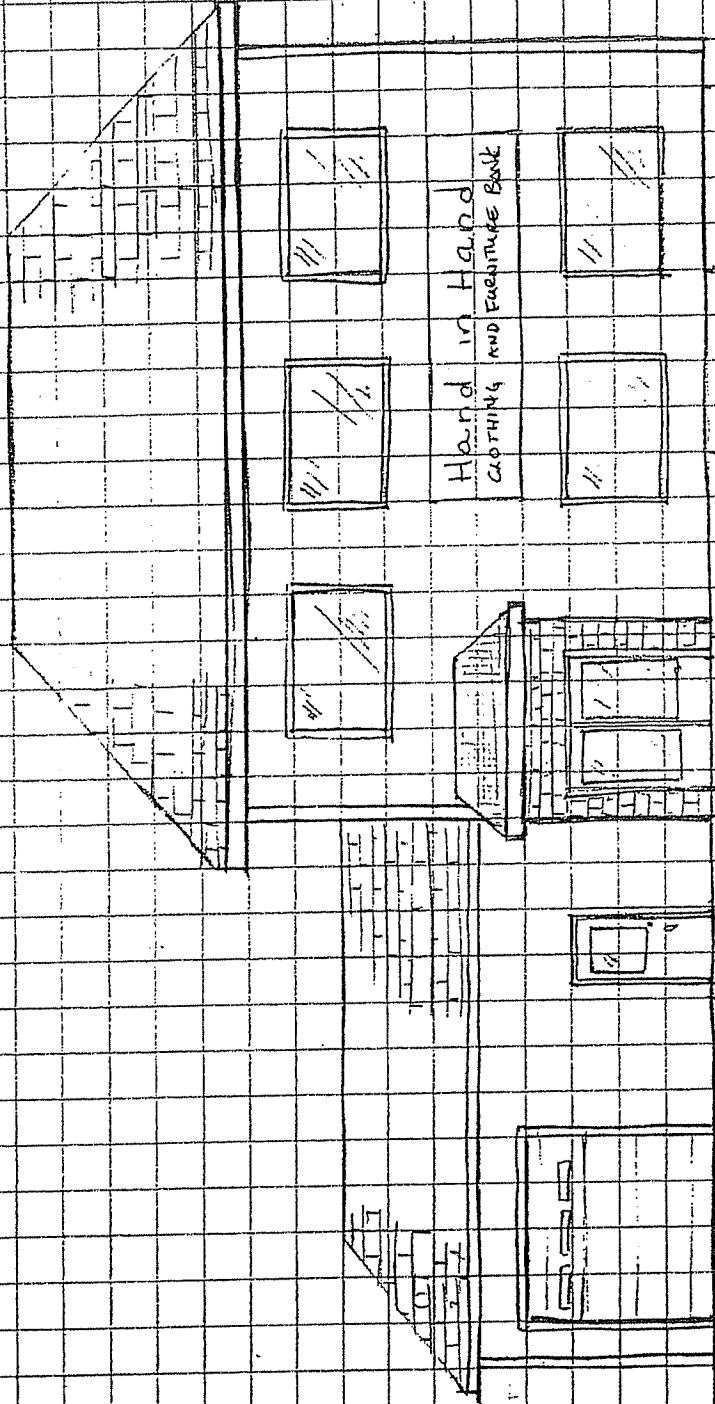


PROPOSED DEVELOPMENT PLAN

438/440 HERRING COVE RD

ST VINCENT DE PAUL SOCIETY

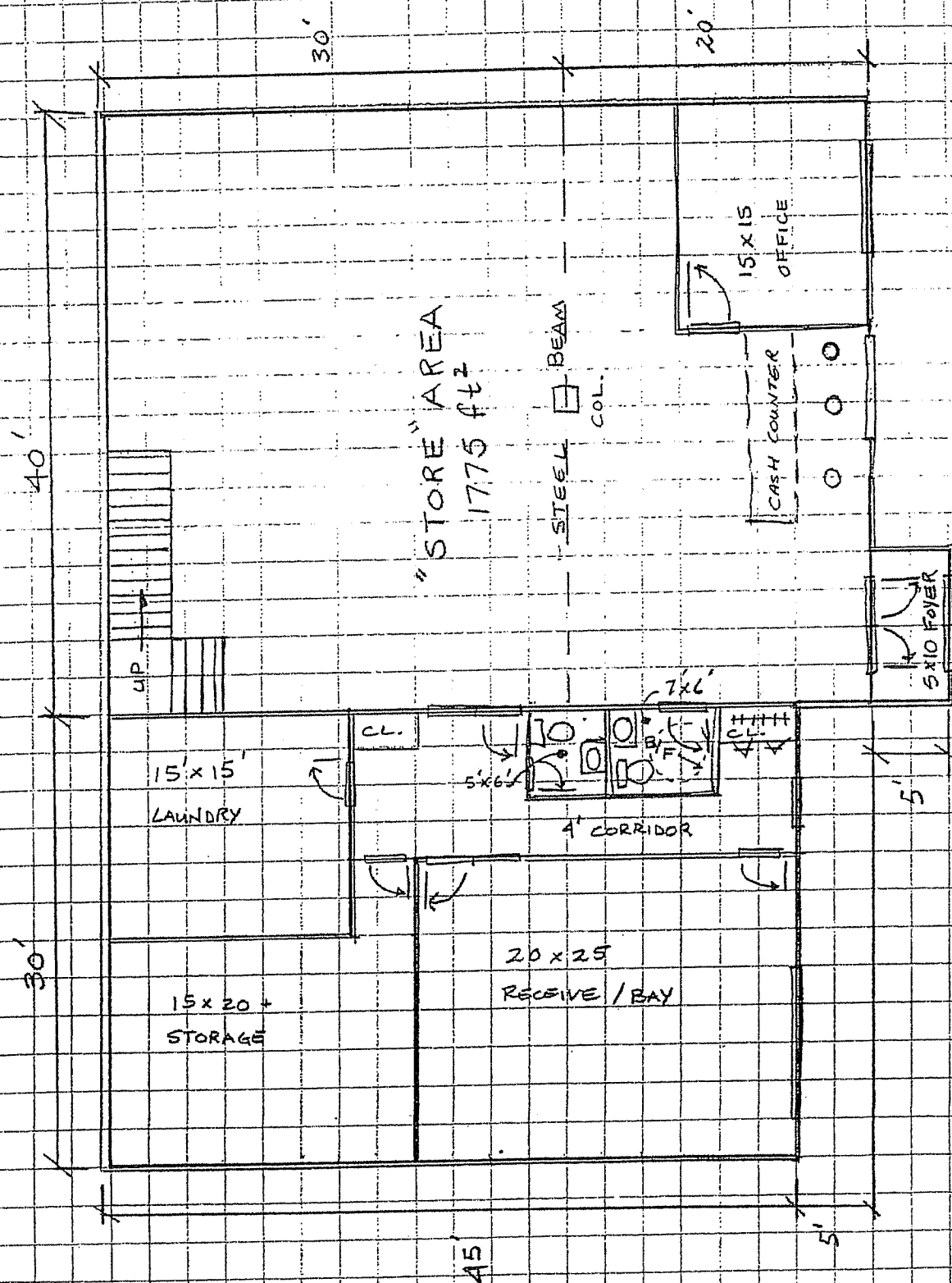
HAND IN HAND - CLOTHING AND FURNITURE BANK



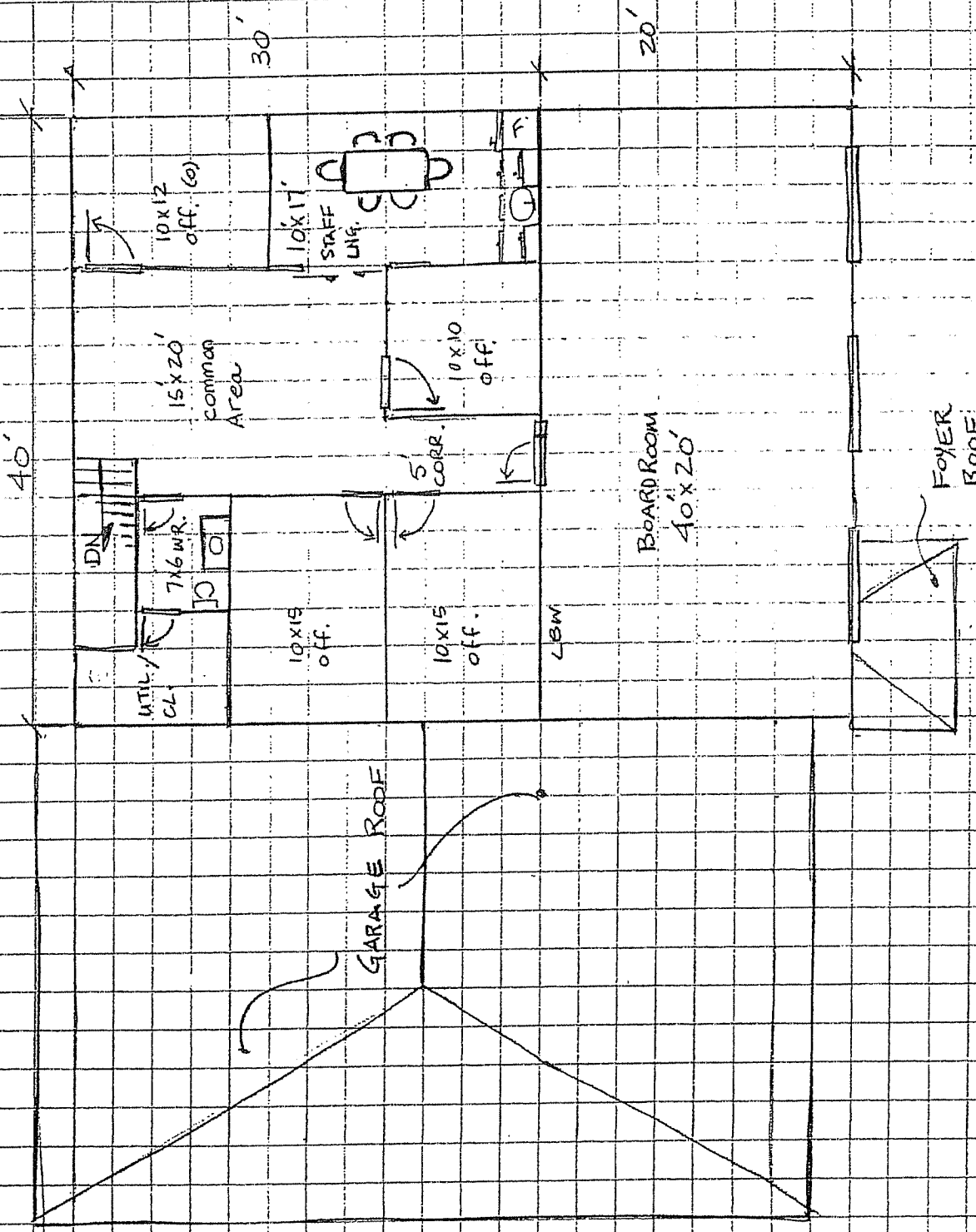
FRONT ELEVATION

(FACING HERRING COVE RD)





MAIN FLOOR - AREA 3400 FT²



SECOND LEVEL - 2000 FT<sup>2</sup>

Excerpts from the Halifax Municipal Planning Strategy/Land Use By-law

**SECTION X - MAINLAND SOUTH SECONDARY PLANNING STRATEGY**

**3. INSTITUTIONAL**

Objective      Public and private institutional uses to serve the Mainland South area and the City.

3.1              Institutional development may comprise public, quasi-public and non-commercial private institutional uses devoted to the provision of social, cultural, health, educational and recreational services.

3.1.1           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.

3.2              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.

**LAND USE BYLAW - MAINLAND AREA**

**"Community Facility"** means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall;

**"Institution"** means a building used by an organized body or society for promoting a particular object, usually a non-commercial nature;

Attachment G

**Public Information Meeting Minutes  
Case 00692  
September 2, 2004**

In attendance: Councillor Adams  
Paul Sampson, Planner, Planning & Development Services  
Gail Harnish, Planning & Development Services  
Stephen Smith, Real Estate Officer, Real Property & Asset Management

Mr. Paul Sampson called the public information meeting to order at approximately 6:30 p.m. at the Captain William Spry Centre.

Mr. Sampson advised the application is by HRM, on behalf of the Society of St. Vincent de Paul, to rezone two properties that HRM owns at 438 and 440 Herring Cove Road. The rezoning would be from R-4 (Multiple Dwelling) and RC-1 (Neighbourhood Commercial) to P (Park and Institutional).

Mr. Sampson reviewed the rezoning process with the use of a flow chart, noting we are now at the public information meeting stage. Following this meeting, staff will review the building plans that were submitted and prepare a report which will be tabled with Chebucto Community Council. After holding the public hearing, they will make a decision on the rezoning application. There is the potential for that decision to be appealed to the N.S. Utility and Review Board.

Councillor Adams questioned when they could anticipate the report coming to Community Council.

Mr. Sampson advised it could potentially be ready in the latter part of September or October.

Sister Pat Wilson, Acting Chair of the Board, advised that Hand in Hand is an outreach of the St. Vincent de Paul Society, which Mr. Power would talk about.

Mr. Terry Power, President of the Council of the Society, advised the group has been around since the mid 1800's. There is approximately 800,000 members of the Society worldwide. In Halifax they have about twenty-four conferences which are part of the parishes throughout the City. There is a national Canadian conference. There is an International conference overseas at a high level and a branch of the Society in the US and it is worldwide.

Mr. Power advised their main work is to provide services to the poor and under-privileged. They do that through home visits and when requested they provide food and medical payments for vision care, etc. Hand in Hand is an outreach of the Society in Halifax, as is Hope Cottage. Hand in Hand has been around for awhile. It is for the most part a clothing store but their goal for the future is to provide a larger service. To improve on that, they sell clothing at a reasonable

cost and if people cannot afford it, it is given away. They occasionally obtain furniture which is given out or sold. Presently their hope is that they can enlarge the operation on Herring Cove Road. It is a very small building and they need more room to keep up with donations and services.

Ms. Mary Brown, Executive Director, advised she handled the day to day operations. If people cannot afford household items and necessities, they write out a voucher and it is given at no cost. Those primarily using the facility are single mothers, the working poor, those on assistance, people on fixed incomes, as well as people who come in searching for life skills to better their life skills and they can in turn put them onto other agencies. She worked closely with agencies in the area. Lately there has been a tremendous increase in the demand for their services and they are bursting at the seams. There is nowhere to put the donations that are brought in, which can be up to 75+ a week. During a one week period, they help anywhere between 100 - 200 people either over the phone or in the store. They service all of HRM, not just the Spryfield community. They are very busy but they need expansion; a bigger place to offer their services.

Mr. Joe Sweet noted that plans were available for viewing and encouraged that members of the public view them. A short break was taken for members of the public to look at the plans and to informally ask questions of representatives of the Society.

Following the short break, Mr. Sampson provided clarification on the meeting time. He advised that the Municipal ad noted the starting time as 6:30 p.m. However, an article written by a reporter from the Chronicle Herald referenced it as 7:00 p.m.

Ms. Eileen Gilbert, 430 Herring Cove Road, questioned why the loading dock was being put onto one of their main areas as opposed to the back.

Mr. Sweet responded that because of the lay of the land in the back, it is too tight and on the other side they need it all for parking. They are at a minimum in that way. They want the whole side of the building for parking and that keeps the loading and unloading away from the vehicular and walking traffic.

Mr. Sampson noted another question raised during the break was whether there was a way to control the garbage and food waste.

Mr. Sweet stated there is no food left out so that is pretty controllable. The garbage will be in bins.

Mr. Sampson questioned where the bins would be located. Mr. Sweet responded that has not been decided yet. A lot of the storage will be housed in the warehouse.

It was questioned whether they would be accepting breads and cakes from the Superstore.

Mr. Sweet responded they have not gotten into that yet.

Ms. Gilbert expressed concern that food has been left on the shelves against the trailer at night and sometimes it is left out on the front step. Sometimes it is just lying there open. It should be disposed of at the end of the day.

Mr. Sweet stated they will have to do one or the other. They cannot leave it out and discard it both.

An individual stated she worked at Hand in Hand three days a week and they do not leave the food out. It was out on the stairs two years ago. They cleaned up their act.

Sister Pat Wilson advised they will keep that concern in mind during their planning.

Mr. Power commented they understood some of the concerns which is why they want to expand. They realize they do have some difficulties with donations being dropped off. The idea is to have a new area where they can deal with some of these problems and get a better handle on controlling garbage and things being left out. They have not come up with a way yet to control that.

Ms. Gilbert indicated the concern relates to the rats that have been there.

Mr. Power said they want to provide that service but to take it away is hard to do. They will look at the middle of the road.

An individual from the Society commented they have been there for a year and they have not seen any rats.

Mr. Reg Horner, 30 Emerald Crescent, stated he sat on a Board of Directors with Mary. He thought it was about two years ago when she first brought this prospect to the Board and his response was the same then as it will be today. He had some pretty significant concerns about a 100'x40' concrete building that ought to be in Burnside. It has been called a warehouse. He understood Hand in Hand is stretched to the limit which is why they have containers now in the back yard for storage. Further, he understood there is on occasion bags of bread on the doorstep that people do pick-up. In this community there is an organization called PACE. Almost three years ago they did a study and took a survey of businesses, homeowners, and pedestrians on the Herring Cove Road in an effort to try and find ways to make it a more human place. To put a 40' concrete wall on Herring Cove Road and a 100' wall on Drysdale Road will not help that concept. At the moment, the City is undertaking a \$50,000 Herring Cove Road streetscapes study that will include everything on Herring Cove Road from the Rotary to Roaches Pond which includes this site. He therefore questioned whether this particular use of property on Herring Cove Road is appropriate.

Mr. Sweet stated it is as appropriate as the concrete and brick apartment buildings in that 2-3 km radius. The reason it was designed that way was for resiliency.

Mr. Sampson advised that any submissions will be included as part of the public record. Those on the mailing list will be notified of the public hearing by mail. As well, there will be two advertisements in the newspaper. The public hearing is not likely to happen before November or December. Comments can also be made at the public hearing held by Chebucto Community Council with regard to this application.

Sister Pat Wilson commented tonight they are looking at the zoning and they will look at possibilities. If the zoning can be changed, then they can look at the design of the building and how they might implement that. They cannot do anything if the zoning is not changed.

The meeting adjourned at approximately 7:15 p.m.