

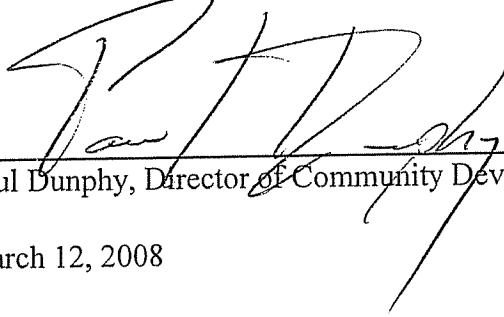


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
April 7, 2008

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: March 12, 2008

SUBJECT: Case 01105: Rezoning of 8 Melody Drive and 3-5 College Road,
Halifax

ORIGIN

Application by Mount Saint Vincent University to rezone portions of 8 Melody Drive (PID 00137828), and 3-5 College Road (PID 41043613), Halifax, from the R-2 (Two Unit Dwelling) Zone to the P (Park and Institutional) Zone.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Give First Reading of the proposed rezoning and schedule a public hearing.
2. Approve the rezoning of portions of 8 Melody Drive (PID 00137828), and 3-5 College Road (PID 41043613), Halifax, as shown on Map 1, from the R-2 (Two Unit Dwelling) Zone to the P (Park and Institutional) Zone.

BACKGROUND

The applicant is requesting an amendment to the Halifax Mainland Land Use By-Law to rezone portions of the subject properties from the R-2 (Two Unit Dwelling) Zone to the P (Park and Institutional) Zone to permit university uses on the entirety of both parcels. The majority of each parcel is currently zoned P but portions of the properties towards the rear are within the R-2 Zone (see Map 1).

The property at 8 Melody Drive is owned by the Roman Catholic Episcopal Corporation. The property is approximately 40,901 square feet, of which approximately 30,281 square feet (74%) is zoned P and approximately 10,620 square feet (26%) is zoned R-2. Part of Our Lady of Perpetual Help Church, specifically, the Glebe, is located on the front portion of this property. The R-2 portion of the lot contains vegetation and parking. Mount Saint Vincent University intends to purchase this property, as well as the adjacent 2 Melody Drive which houses the remainder of the church, and use the existing structure for university uses. The University has indicated that it plans to lease a portion of the building to the parish while the latter await the construction of a new facility.

The property at 3-5 College Drive is owned by Mount Saint Vincent University. The property is approximately 87,120 square feet, of which approximately 71,560 square feet (82%) is zoned P and approximately 15,560 square feet (18%) is zoned R-2. Two small university buildings are currently located on the property. The R-2 portion of the lot contains vegetation and parking. Although this application was initiated as a result of the real estate transaction between the Roman Catholic Episcopal Corporation and Mount Saint Vincent University, staff advised the applicant that this parcel should also be rezoned to avoid future land use conflicts.

DISCUSSION

Municipal Planning Strategy Policies

The Generalized Future Land Use Map of the Halifax Municipal Planning Strategy (MPS), Bedford Highway Area Plan (Map 2), designates the subject properties as IU (Institutional-University). Policy 4.1 of the MPS gives a clear indication of the intent to allow these lands to be used for university purposes. It states:

- 4.1 The City shall encourage Mount St. Vincent University to develop within areas shown as institutional-university on the Generalized Future Land Use Map of this Bedford Highway Strategy.*

The P Zone permits university uses which will allow Mount Saint Vincent University to expand within the area to be rezoned.

Public Information Meeting

A public information meeting for this application was held on February 7, 2008. Minutes of this meeting are provided as Attachment "B" of this report. A number of concerns were raised at the Public Information Meeting, which are addressed as follows:

a) Future Use / Expansion

Residents are concerned that large buildings will be constructed on the site in the future. The development of university buildings is permitted as-of-right in the P Zone. Currently, this scenario applies to the front portions of the lots, but would also apply to the remainder of the parcels should this rezoning request be approved. The P Zone does address setbacks from property lines, and requires an eight foot setback from rear and side property lines, but places no limits on the nature or size of university buildings that can be constructed.

Mount Saint Vincent University has indicated that it has no plans to demolish the existing building, and has no plans for new structures on this part of the campus. The University has also indicated that it intends to consult with the community should any development be proposed in the future. However, HRM has no ability to require public consultation for as-of-right development. Staff acknowledge the concerns about future development, but feel that as this application only applies to a relatively small area of land, it should have little bearing on the ability to develop the site in the future.

Residents have also expressed concern about the ability of the university to expand further, potentially consuming the existing residential community on Melody Drive. The use of any residential properties on Melody Drive for a use not permitted in the current zone would require a separate rezoning application, and likely an amendment to the MPS. The MPS currently only encourages Mount Saint Vincent University to develop within the IU (Institutional-University) designation. With the exception of one property, 30 Melody Drive, the residential homes on Melody Drive fall outside of the IU (Institutional-University) designation. The majority of the street is designated as Residential Environments under the MPS, which does not typically lend itself to rezoning for university uses. Any future application for rezoning would be reviewed against the appropriate policies, independent of the current application.

b) Traffic and Safety Issues

Following the Public Information Meeting, staff received a letter and petition signed by fourteen residents of Melody Drive and Skylark Street relating to traffic concerns. HRM Development Engineering has reviewed the information provided by the residents, and has advised that there are existing traffic and parking concerns associated with the access to 8 Melody Drive, which may result in the closure of this driveway should the property be redeveloped or experience a

change in use. Notwithstanding those comments, HRM Development Engineering has advised that the proposed rezoning presents no concerns relative to traffic.

The letter also advised that students and/or faculty of the university are parking along the abutting residential streets. Mount Saint Vincent University has stated there is ample parking on the campus, and they do provide both parking passes and metered parking. Therefore, parking on nearby residential streets would seem to be a result of motorist choice, and not of capacity problems at the university.

Conclusion

Staff feel that the proposal satisfies the applicable policies of the Halifax Municipal Planning Strategy (Attachment "A"). As such, it is recommended that Chebucto Community Council approve the rezoning application.

Public Hearing Area of Notification

Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

BUDGET IMPLICATIONS

The HRM costs to process this application can be accommodated within the approved C310 operating budget.

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. Alternatively, Council may choose to reject the proposed rezoning. Pursuant to Section 210(5) of the *Municipal Government Act*, Council must provide reasons for this refusal, based on the policies of the MPS.

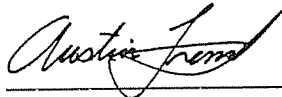
ATTACHMENTS

Map 1 Location, Zoning and Area of Notification

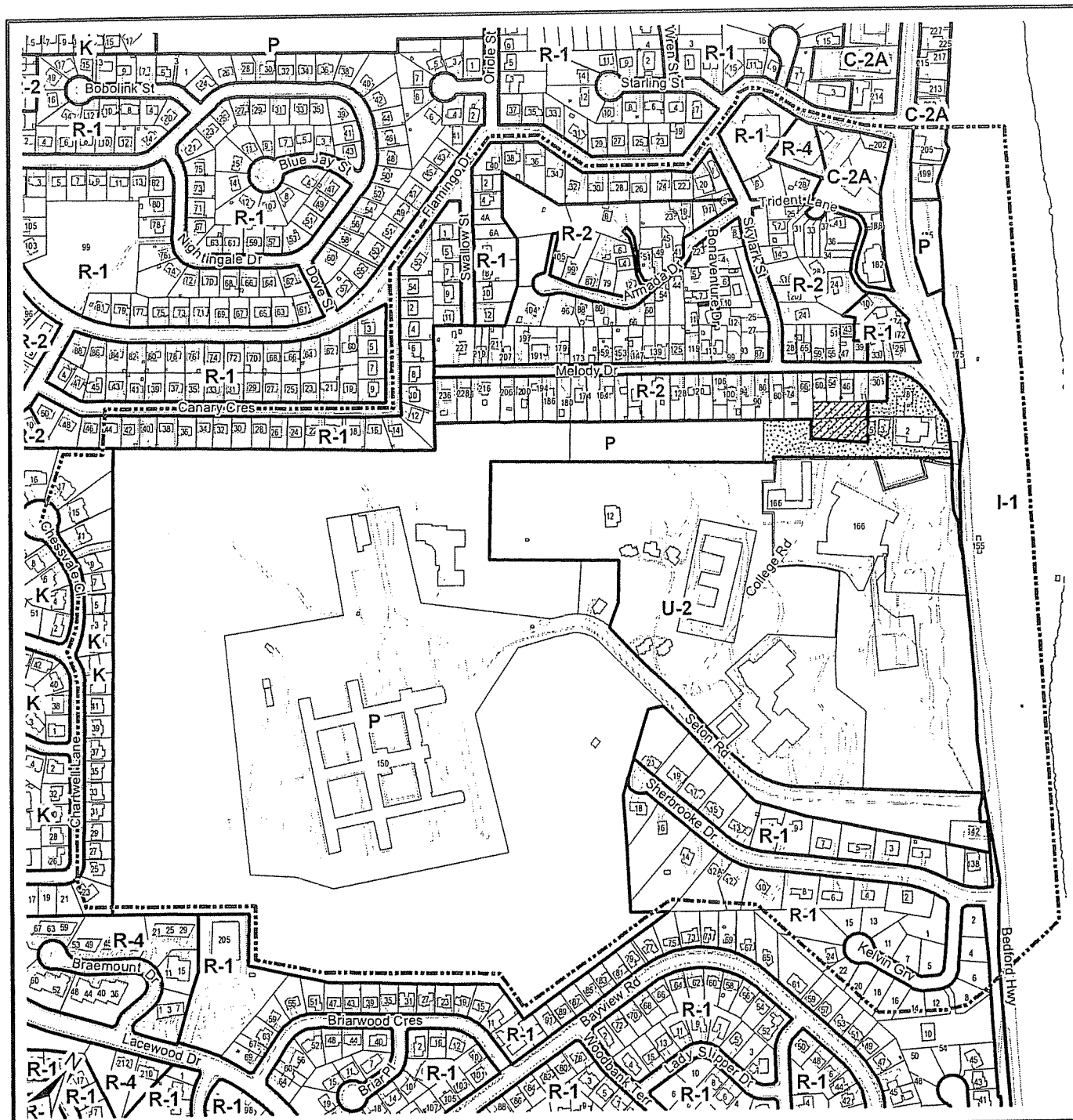
Map 2	Generalized Future Land Use
Attachment "A"	Excerpts from the Halifax MPS and Halifax Mainland Land Use By-law
Attachment "B"	Minutes from the February 7, 2008, Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Patricia Hughes, Planner I, 490-1948



Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

8 Melody Drive and
3-5 College Road
Halifax

- Affected property
- Area of notification

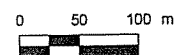
Halifax Mainland
Land Use By-Law Area

Area proposed to be rezoned from
R-2 (Two Family Dwelling) to
P (Park and Institutional)

Zone

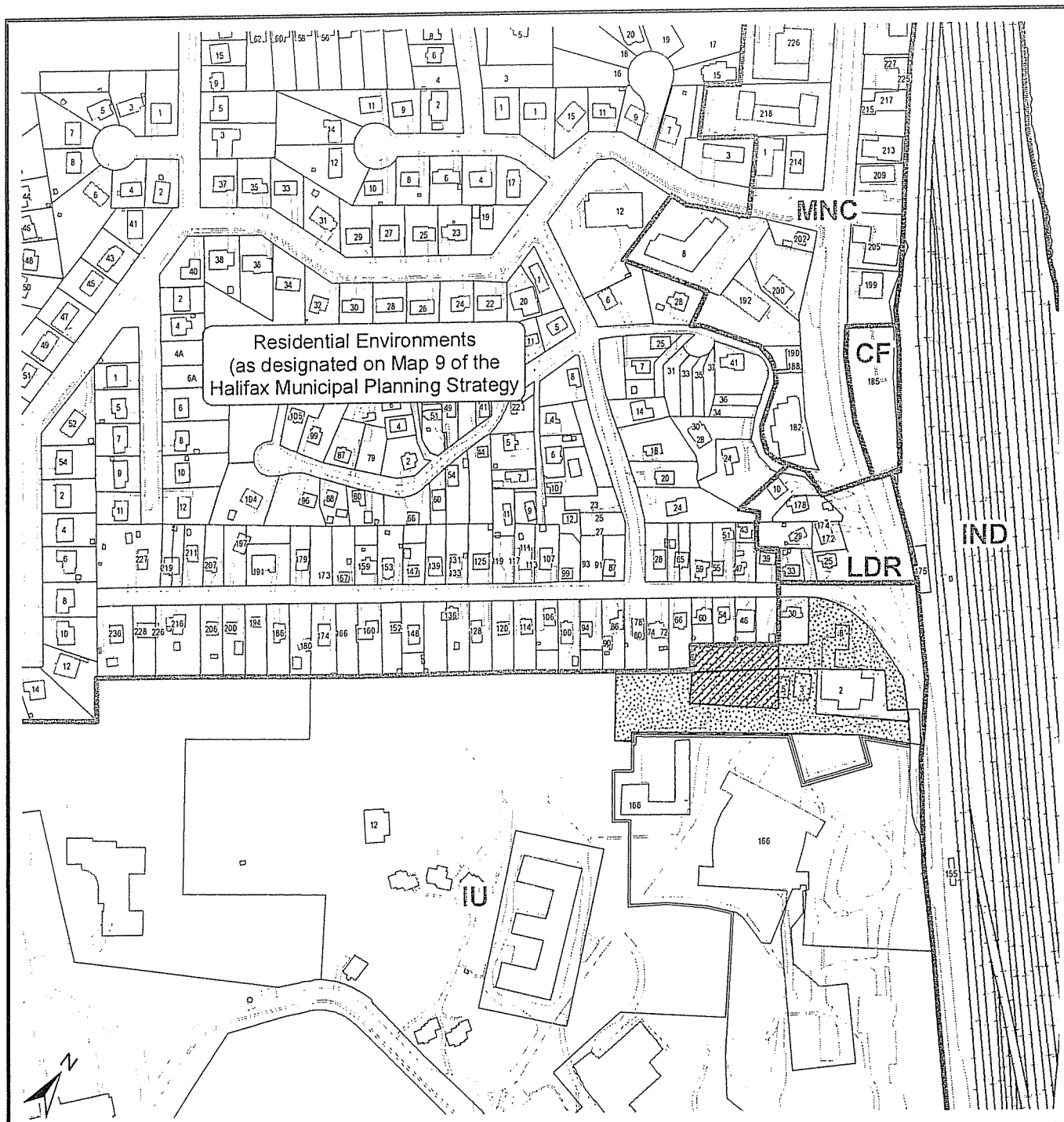
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- I-1 General Industrial
- U-2 High Density University
- P Park and Institutional
- K Schedule K

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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

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



Map 2 - Generalized Future Land Use
 8 Melody Drive and
 3-5 College Road
 Halifax

Affected property

Halifax Plan Area
 Bedford Highway Secondary Planning Strategy

Area proposed to be rezoned from
 R-2 (Two Family Dwelling) to
 P (Park and Institutional)

Designation

LDR Low Density Residential
 MNC Minor Commercial
 CF Community Facility
 IND Industrial
 IU Institutional - University

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

0 50 100 m

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

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

Attachment A
Excerpts from the Halifax MPS

Policy 4.1 (Part II, Section VIII Bedford Highway Area Plan Policies):

The City shall encourage Mount St. Vincent University to develop within areas shown as institutional-university on the Generalized Future Land Use Map of this Bedford Highway Strategy.

Policy 9.1 (Part II, Section VIII Bedford Highway Area Plan Policies):

The Generalized Future Land Use Map (Map 9d) should be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined in this Bedford Highway Strategy.

Policy 9.2 (Part II, Section VIII Bedford Highway Area Plan Policies):

The areas of future land use shown on the Generalized Future Land Use Map shall be determined primarily by the objectives and policies that correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

Policy 5.1 (Part II, Section II City-Wide Policies):

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.

Policy 5.2 (Part II, Section II City-Wide Policies):

The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. The City shall develop standards and boundaries which will protect neighbouring areas, especially residential areas, from encroachment and nuisance effects.

Policy 5.3 (Part II, Section II City-Wide Policies):

The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. Pursuant to Policy 5.2, where such areas fall within the bounds of a designated area for detailed planning, the City shall resolve the exact nature of the desired land use pattern through the detailed area planning process.

Excerpts from the Halifax Mainland Land Use By-Law

R-2 ZONE

TWO-FAMILY DWELLING ZONE

24(1) The following uses shall be permitted in any R-2 Zone:

- (a) all R-1 Zone uses;
- (b) a semi-detached dwelling;
- (c) a duplex dwelling;
- (d) (Deleted)
- (e) (Deleted)
- (f) in the "**Fairview Area**", conversions of existing buildings used for institutional purposes to a maximum of 4 units, provided that the height and floor area of the building are not increased.
- (g) uses accessory to any of the foregoing uses.

24(2) No person shall, in any R-2 Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1)

24(3) No person shall, in any R-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1)

24(4) (Deleted)

R-1 USES IN R-2 ZONE

25 Buildings erected, altered or used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.

25A (Deleted)

REQUIREMENTS

26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:

- (a) Lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet
- (b) Lot area minimum 5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
- (c) Lot coverage maximum 35 percent
- (ca) The maximum height shall be 35 feet
- (d) Floor coverage of 900 square feet living space, minimum
- (e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

ACCESSORY BUILDINGS

- (f) Notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building;
- (g) Notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) Where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot;

SEMI-DETACHED DWELLINGS

- (I) Notwithstanding the provisions of other requirements:
- (1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.
 - (2) Every semi-detached dwelling shall be at least 12 feet from any other building and at least 8 ft. from the rear and side lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling.
 - (3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot.
 - (4) Notwithstanding subsection (2) where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

DAY NURSERY

- (j) (Deleted)
- (k) (Deleted)

BOARDERS AND LODGERS

- 27 The keeping of not more than three boarders or lodgers in an R-2 Zone shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.

SIGNS

- 28 The exterior of any building in an R-2 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
 - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding one square foot in size;
 - (c) one non-illuminated sign not exceeding one square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
 - (d) one bulletin board for a church.
 - (e) A sign not exceeding two square feet in size for a child care centre.

DAY NURSERY - ADDITIONAL CHILDREN PROVISION

28A (Deleted)

28B (Deleted)

P ZONE

PARK AND INSTITUTIONAL ZONE

- 51(1) The following uses shall be permitted in any P Zone:
- (a) a public park;
 - (b) a recreation field, sports club, and community facilities;
 - (c) a cemetery;
 - (d) a hospital, public school, university, monastery, church, library, court of law, or other institution of a similar type, either public or private;

- (e) an institution used for the advancement of public school education services;
 - (f) uses accessory to any of the uses in (a), (b), (c), (d) and (e);
 - (g) child care centre.
- 51(2) No person shall in any P Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 51(3) No person shall in any P Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

SIGNS

- 52 No person shall in a P Zone erect, place or display any billboard or sign except:
- (a) One fascia sign per building elevation facing a street;
 - (b) One fascia sign for the building elevation containing the main entrance where such entrance does not face a street;
 - (c) One free standing sign not to exceed 12 feet in height and 40 square feet in area (per side) per vehicular entrance and pedestrian entrance where such entrance is not part of a vehicular entrance, provided, however, that where the property contains more than one principal park and institutional use such sign shall not exceed 18 feet in height and an additional 10 square feet of area may be added to a maximum of 80 square feet (per side) for each additional park and institutional use;
 - (d) The signs permitted by (a), (b), and (c) may be illuminated;
 - (e) The signs permitted by (a), (b), and (c) shall be limited to indicating the name of the building or site and civic address of the property on which it is located, the logo, slogan or motto of the occupant of such building or site; and

- (f) The signs permitted by (a), (b) and (c) may also contain a changeable message area which shall be limited to indicating the name, date and time of an event taking place on the site.

REQUIREMENTS

- 53 Buildings erected, altered or used for P uses in a P Zone shall comply with the following requirements:
- (a) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;
- (b) Notwithstanding the provisions of clause (a), a carport or a detached or attached non-commercial garage shall be located not less than 4 feet from the rear and both side lines of the lot on which it is situated, and shall be located 8 feet from any other building;
- (c) Where a building is situated on a corner lot, it shall be at least 20 feet from each street line abutting such lot.

DRIVEWAY ACCESS

- 53A(1) In the "**Bedford Highway Area**" one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.
- 53A(2) For the purposes of Subsection (1), the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting or a similar device that will not obstruct the view of traffic.

Attachment B
Public Information Meeting
Case 01105
February 7, 2008

In attendance: Councillor Hum

Patricia Hughes, Planner, Planning Applications
Luc Ouellet, Planner, Planning Applications
Gail Harnish, Planning Services
Brian Jessop, Mount Saint Vincent University
Robin McIsaac, Mount Saint Vincent University

Call to order

Ms. Patricia Hughes called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Keshen Goodman Library. We are here to discuss an application by Mount Saint Vincent University to rezone portions of two properties from R-2 (Two Family Dwelling) Zone to P (Park and Institutional) Zone.

Overview of planning process

Ms. Hughes, referencing a zoning map, pointed out the properties being rezoned, the zoning for the different properties in the surrounding area, and the Bedford Highway. The two properties in question are mostly zoned P but there is a bit of them zoned R-2. The top property is currently owned by the church. It is mostly zoned P with a piece zoned R-2. The lower part is owned by Mount Saint Vincent University and is mostly zoned P and partly zoned R-2.

Ms. Hughes reviewed the list of permitted uses in the R-2 Zone from the Halifax Mainland Land Use By-law (LUB), as well as the P Zone.

Ms. Hughes reviewed the rezoning process:

- an application was received by Planning Services
- staff did a preliminary review of the application
- we are now at the PIM
- staff will prepare a staff report, which includes a recommendation, which is tabled with Chebucto Community Council
- Community Council will decide whether or not to schedule a public hearing or they can reject it
- the public hearing is held if they decide to proceed
- Community Council will make its decision
- there is an appeal process

Proposal

Mr. Brian Jessop displayed an aerial shot of the campus, noting they enlarged the location in question. Three parishes amalgamated into one parish and it is called St. Benedict's Church. Their plan is to build a new church at the corner of Thomas Raddall Drive and Dunbrack Street. They approached the university about two years ago and asked if they would be interested in purchasing the land. A purchase and sale agreement was signed on November 15th. As part of that purchase and sale agreement, there were terms and conditions: an environmental assessment would be done on the property prior to the closing; and the rezoning would take place for the portions zoned R-2 so they could utilize it for university purposes.

Mr. Jessop advised the property at 8 Melody Drive is 41,000 sq.ft. About 25% of that piece of property is zoned R-2. The other property which is on College Drive is about 2 acres or 87,000 sq.ft. About 18% of that property is zoned R-2. The remaining portions are zoned P. Their application is to change the zoning on the R-2 portions to Park and Institutional.

Mr. Jessop indicated the closing date for the property is March 31, 2008, at which point the Parish will lease back the chapel portions from the university. They will have the opportunity to lease that from the university until March 10, 2010. They will also have three terms of six months to extend. Based on internal pressures for space for offices and meeting rooms, their plan is to use that building as it is with some modifications. They will separate the lower level from the upper level so the church can use that part and they can use the lower portion. They will resurface the floors and upgrade the lighting. They will also change some signage adjacent to the doors to identify what is inside the building.

Mr. Jessop advised they would be expanding the campus facilities to accommodate the growing academic initiatives to meet the needs of the students well into the future. Their plan is to utilize the facility as it is structurally. They have made every effort to communicate with the community. They also talked to Councillor Hum. They will continue to provide communication to property owners.

Questions and comments from members of the public

Mr. Andrew Lathigee commented he was a bit confused. They talked a lot about what would happen with the church and the facility. At the beginning he thought they were talking about the shaded areas that are zoned R-2. Most of the people he talked to on Melody Drive were concerned about what would happen with the church down the road. Having the Mount as a neighbour is not a bad thing. The shaded area which is directly behind the houses on Melody Drive was originally part of the Knights of Columbus. He asked if the second parcel was owned by them.

Mr. Jessop advised there are two separate parcels of land. This piece (pointed out) was owned by Knights of Columbus, and the other piece (pointed out) is the new piece being purchased from the church. All of the green area on the map is zoned Park and Institutional. The yellow area is zoned R-2. This application is proposing to change the zoning on these two parcels of land (pointed out).

Mr. Lathigee commented it is already being used as a parking lot.

Mr. Jessop concurred. This was precipitated by the purchase and sale agreement. When they considered changing the zoning on the one portion, HRM said we might as well consider the second piece to make it consistent with what they are using it for.

Mr. Lathigee said he was seeing four different parcels of land.

Mr. Jessop advised this is one PID (pointed out). The church and the glebe are on two different pieces. They are purchasing two different pieces of property from the church.

Mr. Lathigee questioned for how long the property was zoned P.

It was responded probably 30 years or more.

Mr. Lathigee questioned what the maximum usage of the property would be if the land is rezoned.

Mr. Jessop responded it could be used for university uses.

Mr. Lathigee stated they are all concerned about what happened at 46 Melody Drive. It borders six houses and is directly affecting many others. They want to be clear and have definite answers about the intent of this rezoning. The parking lot was fine but there would be issues if they were to put a 20 storey building there.

Ms. Hughes noted the P zoning allows university uses. There is not really a difference in the zone requirements. As it stands now, those uses are permitted on the front portion of the parcels. The proposal is to change the zoning on the back portions. There is a 8' setback requirement to the property lines.

Mr. Lathigee expressed concern that tonight would be the last opportunity they had to express concerns should they build a 20 storey building if the zoning is changed.

Councillor Hum noted there would be another opportunity at the public hearing.

Mr. Jessop stated they had no plans for that land. The property is adjacent to them and they could not control the uses on it should somebody else buy it. He thought it was better for a neighbour like them to purchase that land. If you look at all their new development, besides the residential building, it has always been three to four storeys, with a maximum of five. They have always built their buildings into the land. At the backside, the highest point is at ground level. They are not planning to demolish the church. They are planning on using that structurally as it is. They are looking at plans after the lease is finished to put in a second storey inside the buildings so they can use it as it currently exists. It is 35' high and hard to heat. They don't have any plans for a five or ten storey building.

Mr. Lathigee commented the buildings built over the past ten to fifteen years are beautiful. Progress is good for their community. They are trying to figure out what is going to happen because a lot of that land is already being used for parking.

Mr. Troy Welsh stated this property is in their back yard. If the property is rezoned P, will they see a building or a parking lot? There are trees. He could see them losing them in five to ten years time. They do not want to stop things from changing because it helps out their community. The foot traffic has decreased as a result of building the path for the students. Their biggest concern is that some kind of structure will go up in their back yards if the property is rezoned.

Mr. Jessop indicated there are no plans to do so as of today. They want to zone it so that it is consistent with the university use. The R-2 zoning does not blend right with what they are trying to do with that land. He was not even sure they could use R-2 land for parking. Their purchase of that property is contingent on them being able to make it conforming. They have been there for 135 years. They have an opportunity here since the church wants to sell to them. There were inquiries to change it to higher density and he thought the City said they were not interested.

Mr. Welsh said he was concerned with what could locate there in the future.

Mr. Jessop stated they are purchasing the land so they can maintain control of the use of land.

Ms. Karen McNeil said she wished to reiterate the concern with what could locate there in the future. She questioned if there was the opportunity to restrict the number of storeys.

Ms. Hughes advised the P zone permits university uses by right through the permitting process. There would not necessarily be a formal City process.

Mr. Jessop noted the university has always been consulting with the public.

An individual stated a house on the street has been purchased and turned into offices. It is an office even though there is a cot and a sink in it.

Councillor Hum noted there is a public hearing process for this rezoning. If the property is rezoned to P-2, then a public hearing would not be required to locate any uses permitted in the P Zone. There would not be a public hearing unless they deviated from the permitted uses. There would not be any opportunity for input on height restrictions.

An individual questioned whether there would be an opportunity to negotiate the number of storeys.

Ms. Hughes noted we would not be able to do that as part of a rezoning.

Mr. Ouellet explained there are two process; a rezoning which permits certain uses by right through the permitting process and a development agreement. There is no policy in the municipal planning strategy (MPS) for this area to allow them to apply for a development agreement for this type of use. They applied for a rezoning which is allowed under the MPS. The intent under the MPS is to allow for future university uses in this area. They could have also applied for U-2 zoning. There is no opportunity to negotiate anything.

Mr. Richard Sanders indicated they owned two properties on Melody Drive. He questioned whether the University had any plans to rezone 46 Melody Drive to bring it into conformance.

Mr. Jessop responded they felt they are using that property in compliance with the zoning. If they modified the usage, they would require a rezoning. They think they are a good neighbour and take good care of that property and keep it in good condition. If they modified that, they would have to rezone it to P which they felt would be more of an issue. He questioned if that was the wishes of the community.

Mr. Lathigee stated most of them are surrounded by 46 Melody Drive. He has looked into it and knew they are in compliance. In their opinion it is very shady. They were concerned because of the way it happened. They saw how Dal took over blocks of residential houses. They were concerned about their street and with their homes being turned into academic buildings of some form. It is an issue they have been dealing with for awhile. It is quiet and they take wonderful care of the property. As part of the community, they would like to be involved as things go forward. Once a property is rezoned, it would be nice if they at least had a say or some input.

Mr. Jessop said they have been trying to be consultative as much as possible. He did speak with some of the neighbours. If they go forward, they will continue with that consultative measure. They have tried to be very responsive to the neighbourhood and they provided the opportunity for input. They are consulting to find out what their input is. That is the very nature of the academic community they are in.

Ms. Hughes noted 46 Melody Drive is not part of the application tonight. There is policy in the Municipal Planning Strategy (MPS) that allows them to consider the rezoning application at this

location. The objective of the MPS for this area is "Encouragement of existing institutional uses at their present locations." Policy 4.1 further states "The City shall encourage Mount St. Vincent University to develop within areas shown as institutional-university on the Generalized Future Land Use Map of this Bedford Highway Strategy." If somebody wanted to rezone a property further down on Melody Drive, they would have to go through the MPS amendment process because they are in a different designation.

Ms. Robin McIsaac stated the University took pride in the park like setting of the university. Maintaining the number of trees and park like setting is something they market the university for, in addition to it being very close to a vibrant city. The importance of the trees and not crowding the university with large buildings is a huge priority for them. They would have concerns from their own staff if they deviated from that.

Mr. Lathigee referenced clause (f) of 24(1) of the R-2 Zone which references the Fairview area.

Ms. Hughes advised she took this section from the Halifax Mainland LUB. That clause applies to you if you fall within the Fairview Secondary Planning Strategy.

Ms. Jacqui Martin noted there is a footpath in front of the Mount which she tried to use a stroller on. She asked if they would be willing to consider widening that path or putting a concrete structure there so people could walk there more safely.

Mr. Jessop advised they do have a sidewalk but it takes you up into the treed area. He believed the thought was to keep the pedestrians away from the traffic and harms way. They have quite a bit of difficulty with the crosswalk that is there and could not see them putting in a sidewalk.

Mr. Jessop thanked members of the public for attending and participating in this session. They are trying to give them information. Their names are on the letter that was sent out on December 20th. They are trying to be good neighbours and trying to be responsive.

Ms. Allyson Dye asked for clarification on the closing date.

Mr. Jessop indicated they would have to extend the closing date. They made application for the rezoning on November 20th and thought it would have been dealt with before that time.

Adjournment

The meeting adjourned at approximately 8:00 p.m.