

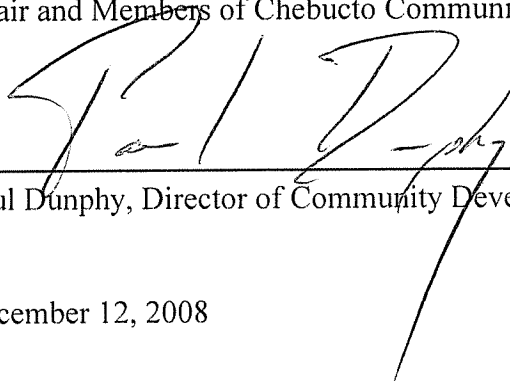


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Chebucto Community Council
February 2, 2009

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: December 12, 2008

SUBJECT: Case 01221: Rezoning of 3 Sylvia Avenue, Halifax

ORIGIN

December 1, 2008 motion by Chebucto Community Council

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 3 Sylvia Avenue, Halifax,(PID # 40095945) from R-4 (Multiple Dwelling Zone) Zone to P (Park and Institutional) Zone.

BACKGROUND

The subject property, 3 Sylvia Avenue, Spryfield (PID # 40095945), is a corner lot located on the east side of the Herring Cove Road approximately 1 km south of the Captain William Spry Community Centre (Map 1). The property is 7500 square feet in area and is occupied by a single institutional use building; a land use that is not permitted within the R-4 zone.

The property is currently owned by HRM and was purchased from a private owner in 1979 as part of the Herring Cove Road street widening project. In 1989, HRM entered into a lease agreement with the Home of Guardian Angel and the institution has operated from the property since that time. The Home of the Guardian Angel, a federally registered charity, was established by the Roman Catholic Archdiocese of Halifax and is managed by the Sisters of Charity. The facility provides counselling and support services primarily to single parents, pregnancy counselling, and adoption services. The Single Parent Centre located at Sylvia Avenue serves pregnant women and parents with children under 18 years of age.

Initially, the property was used for support services to single parents. Services have since expanded to include parenting/adoption services, early childhood education, and home visiting. On September 16, 2008, Regional Council approved the sale of 3 Sylvia Avenue, to the Home of the Guardian Angel. The current institutional use is not an authorized use under the R-4 Zone. HRM has initiated the rezoning from R-4 (Multiple Dwelling) Zone to P (Park and Institutional) Zone in an effort to authorize the institutional use.

DISCUSSION

Designation and Zoning

The property is a corner lot abutting properties zoned R-4 (Multiple Dwelling) on two sides and is directly across from an RC-1 (Neighbourhood Commercial) zoned property on the opposite corner of Sylvia Avenue. The land use designation is High Density Residential under the Mainland South Secondary Plan of the Halifax MPS (Map 2).

MPS Policy

A rezoning of the property can be considered by Council according to Policy 3.1.1. In considering a rezoning to the P Zone throughout Mainland South, Council shall have regard for the compatibility of the proposed use in terms of scale, size, intensity of use, traffic generation, and noise.

Zone Requirements

Home of the Guardian Angel intends, once the sale of land is completed, on renovating and expanding the current facility at 3 Sylvia Avenue. The plans to renovate the facility generally comply with the LUB however, due to HRM's requirement to retain a small portion of the property, these plans will require the relaxation of separation distances. HRM will address these relaxed separation distances through the variance process. Notwithstanding the outcome, the variance request will not impact upon the rezoning.

Scale, Size, Intensity of Use

The property is occupied by a single storey, pitched roof, wood framed and clad building which is both compatible in style and scale with the existing residential and commercial buildings in the immediate area. The Home of the Guardian Angel has been in the community for twenty years and provides a level of service appropriate to the context of the local community.

Traffic

The property operates as an institutional use with existing driveway access to Sylvia Avenue. The property was originally purchased in 1979 to accommodate the widening of the Herring Cove Road. HRM intends on subdividing and retaining a small portion of the existing property to accommodate future road widening requirements. Staff have reviewed the proposed rezoning and have no concerns with regard to traffic impacts to and from the site.

Noise

Staff have reviewed the proposed rezoning and have no concerns with regard to noise.

Public Information Meeting

Council waived the requirement to hold a Public Information Meeting.

The proposed rezoning satisfies the applicable policy (Section X Policy 3.1.1.) of the Halifax MPS (Attachment "A"). As such, it is recommended that Chebucto Community Council approve the rezoning application. 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 associated with processing this planning application can be accommodated within the approved operating budget for C310.

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. The existing institutional uses of the property would be required to cease operation. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policy and intent of the MPS.

ATTACHMENTS

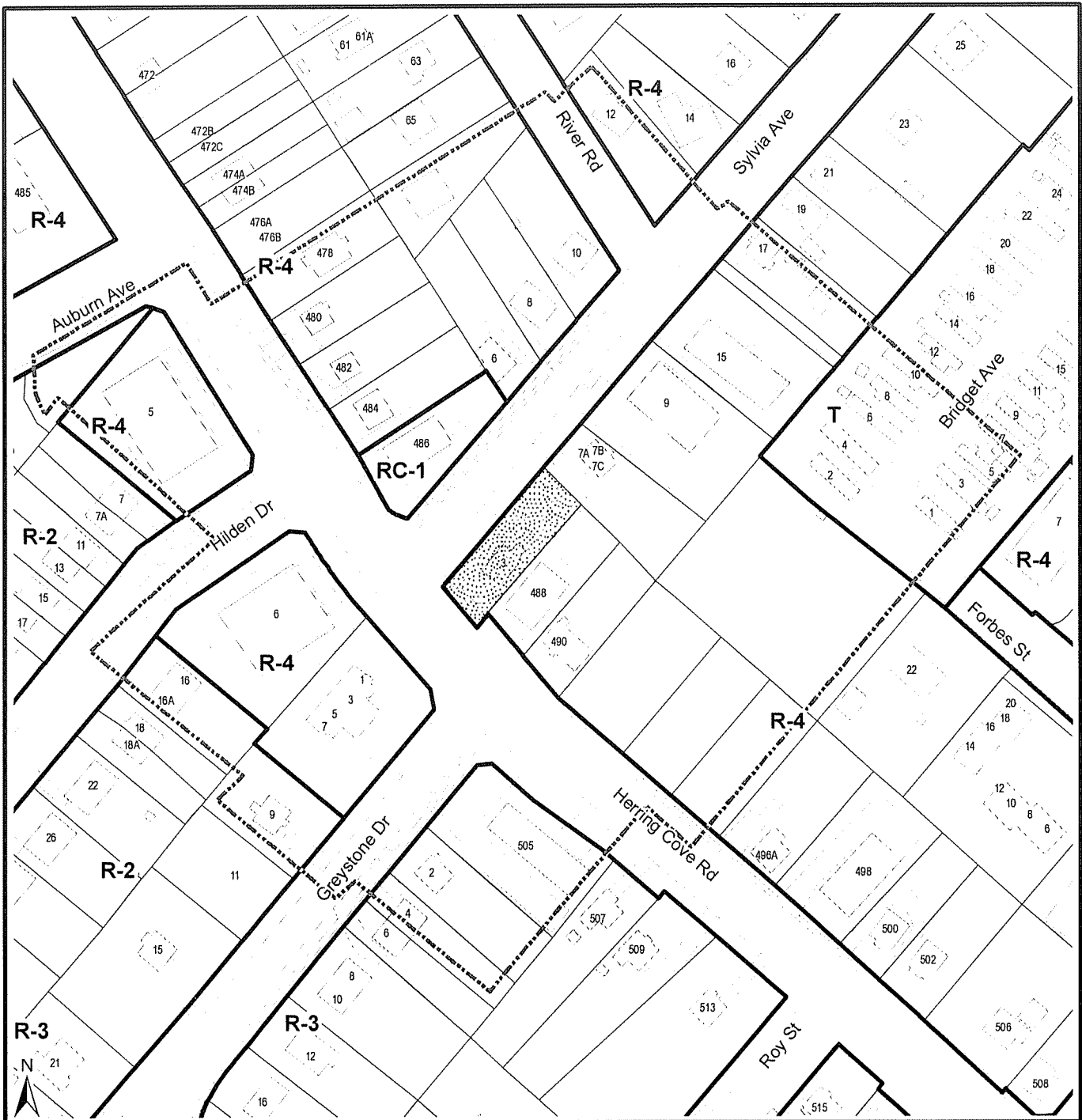
Map 1	Zoning and Area of Notification
Map 2	Generalized Future Land Use
Attachment "A"	Excerpts from the Halifax MPS Section X Mainland South Secondary Planning Strategy
Attachment "B"	Excerpts from the Halifax Mainland Land Use By-Law

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

Report Prepared by: Brian White, Planner I, 490-4793





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



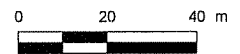
Map 1 - Location and Zoning

3 Sylvia Avenue
Halifax

-  Subject area
-  Area of notification

Halifax Mainland
Land Use By-Law Area

Zone	
R-2	Two Family Dwelling
R-3	Low-Rise Apartment
R-4	Multiple Dwelling
RC-1	Neighbourhood Commercial
C-2A	Minor Commercial
T	Mobile Home Park



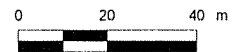
This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area


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



Map 2 - Generalized Future Land Use

3 Sylvia Avenue
Halifax



 Subject area

Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- C Commercial

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

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

Halifax Plan Area

Attachment "A"

Excerpts from the Halifax MPS 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. |

Attachment "B"
Excerpts from the Halifax Mainland Land Use By-Law

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.