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11.1.1

Chebucto Community Council
March 1, 2010

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Austin French, Acting Director of Community Development

DATE: February 1, 2010

SUBJECT: **Case 01359: Rezoning - 7 and 11 Mont Street, Halifax**

ORIGIN

Application by Quackenbush, Thomson & Robbins Barristers and Solicitors for:

- 7 Mont Street – Lands of R. Bruce Atkinson and B. William Piercey, and
- 11 Mont Street – Lands of Jadwiga Staszewska Doering.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Give First Reading of the proposed rezoning of 7 and 11 Mont Street, Halifax, from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the rezoning of 7 and 11 Mont Street, Halifax, from R-2P (General Residential) to P (Park and Institutional), as identified in Attachment A of this report.

BACKGROUND

Quackenbush, Thomson & Robbins Barristers and Solicitors has applied to rezone 7 and 11 Mont Street (PIDs 40328544, 00313155 and 40334245) in Halifax from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone.

Permits were issued for the existing Edward Jost Children’s Centre at 7 Mont Street in 1989 and 1990, and it currently provides daycare services for 52 children (from 18 months to 5 years) during the week. The proposal is to expand the centre to the abutting property at the end of Mont Street. The existing house at 11 Mont Street would be removed, the two properties consolidated, and a new building constructed that would provide daycare for 54 children (from infants to 5 years).

Between the two buildings, the Edward Jost Children’s Centre proposes to accommodate 106 children in total. However, while the proposal is for a day care facility, other uses are permitted as-of-right in the proposed P (Park and Institutional) Zone (Attachment B).

<u>Subject Properties</u>	7 Mont Street (PID 40328544)	11 Mont Street (PIDs 40334245 and 00313155)
Lot Area	21,500 square feet	23,600 square feet total
Current Use	Existing daycare	Single unit dwelling
Proposed Use	Existing daycare	New daycare
<u>Zoning</u>	• R-2P (General Residential) Zone, under the Halifax Mainland Land Use By-law (LUB) (Map 1)	
<u>Designation</u>	• Medium Density Residential, under the Mainland South Secondary Planning Strategy (SPS) (Map 2) • Urban Settlement, under the Regional Municipal Planning Strategy (MPS)	
<u>Surrounding Land Uses</u>	• Residential uses on Mont Street and Punch Bowl Drive • Commercial uses on Herring Cove Road	
<u>Enabling Policy</u>	• Policy 3.1.1 of the Mainland South SPS allows Council to consider rezonings to the P (Park and Institutional) Zone throughout Mainland South	

DISCUSSION

Staff have reviewed the proposed rezoning with regard to the relevant policies contained in the Mainland South SPS. The proposed rezoning to the P (Park and Institutional) Zone meets the criteria listed in Policies 3.1 and 3.1.1. Analysis of these policies is included as Attachment C.

Public Information Meeting

A public information meeting (PIM) for the proposal was held on January 7, 2010, and minutes are included as Attachment D. Approximately 20 members of the public were present, and comments were positive towards the Edward Jost Children's Centre's presence in the neighbourhood. While concerns were raised over the width of Mont Street (which does not meet current public street standards), this issue is beyond the scope of the proposed rezoning.

If Council decides to schedule a public hearing, property owners within the notification area shown on Map 1, as well as anyone who signed up at the PIM, will be notified of the hearing by mail. Public notices will be posted in the local newspaper and on the HRM website.

Conclusion

Staff have considered the proposed rezoning of 7 and 11 Mont Street from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone, and advise that the proposal meets the criteria set out in Policies 3.1 and 3.1.1 of the Mainland South SPS. Staff recommend that Chebucto Community Council approve the rezoning, as set out in Attachment A of this report.

BUDGET IMPLICATIONS

The HRM cost 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

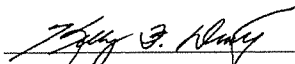
1. Council may choose to approve the proposed rezoning. This is the recommended course of action.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with the MPS policies.

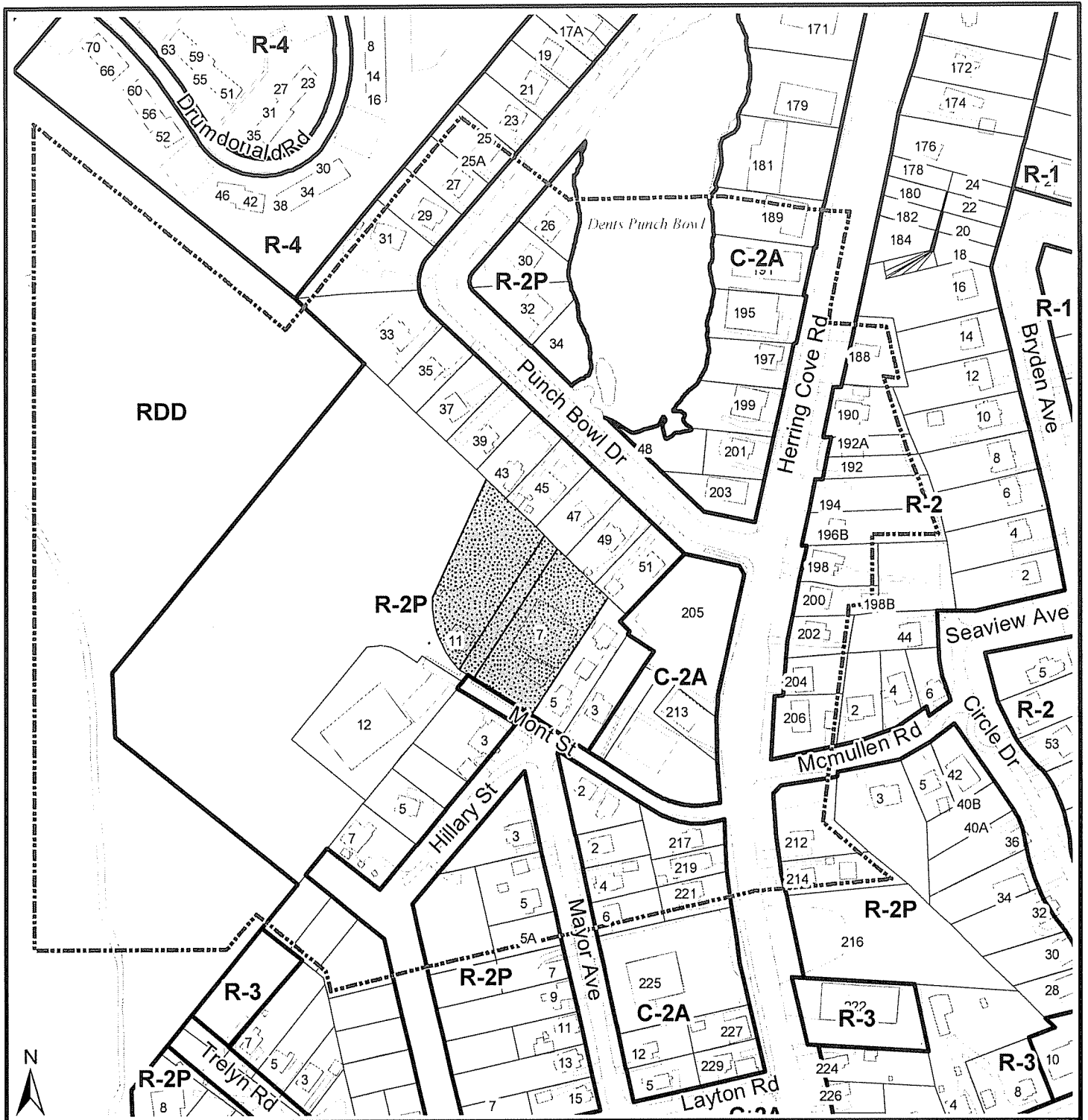
ATTACHMENTS

Map 1	Zoning and Notification Area
Map 2	Generalized Future Land Use
Attachment A	Amendments to the Halifax Mainland LUB
Attachment B	Excerpt from the Halifax Mainland LUB
Attachment C	Review of Relevant Policies from the MPS
Attachment D	PIM Minutes – January 7, 2010

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: Mackenzie Stonehocker, Planner I, 490-4793


Report Approved by: 
Kelly Denty, Acting Manager of Planning Services, 490-6011



Map 1 - Location and Zoning

7 - 11 Mont Street
Halifax

 Area proposed to be rezoned from R-2P (General Residential) to P (Park and Institutional)

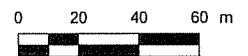
 Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

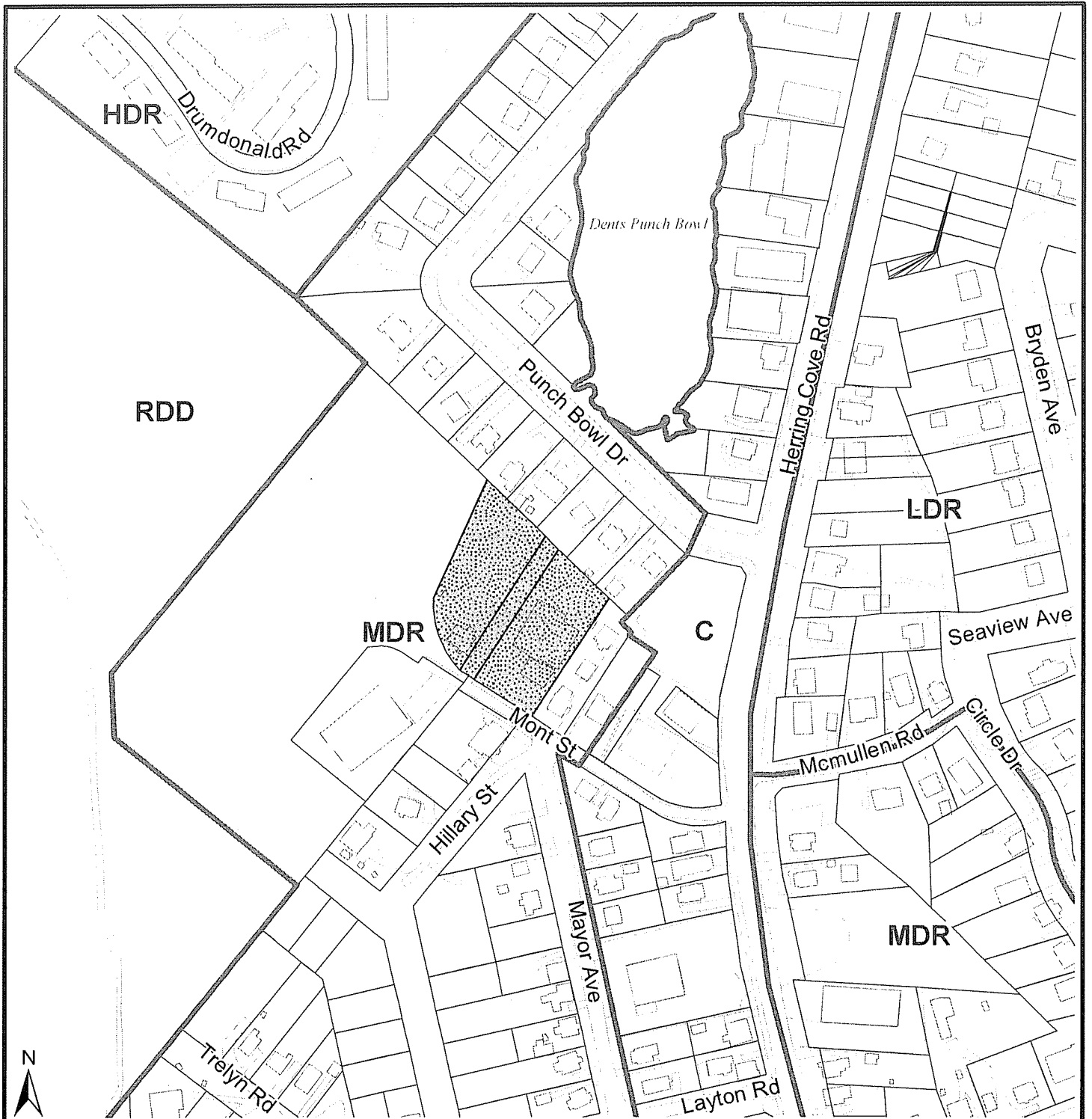
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- RDD Residential Dev. District

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

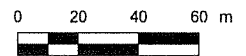
7 - 11 Mont Street
Halifax

 Area proposed to be rezoned from R-2P (General Residential) to P (Park and Institutional)

Halifax Plan Area
Mainland South Secondary Plan Area

Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Dev. District
- 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.

Attachment A:
Amendments to the Halifax Mainland Land Use By-law

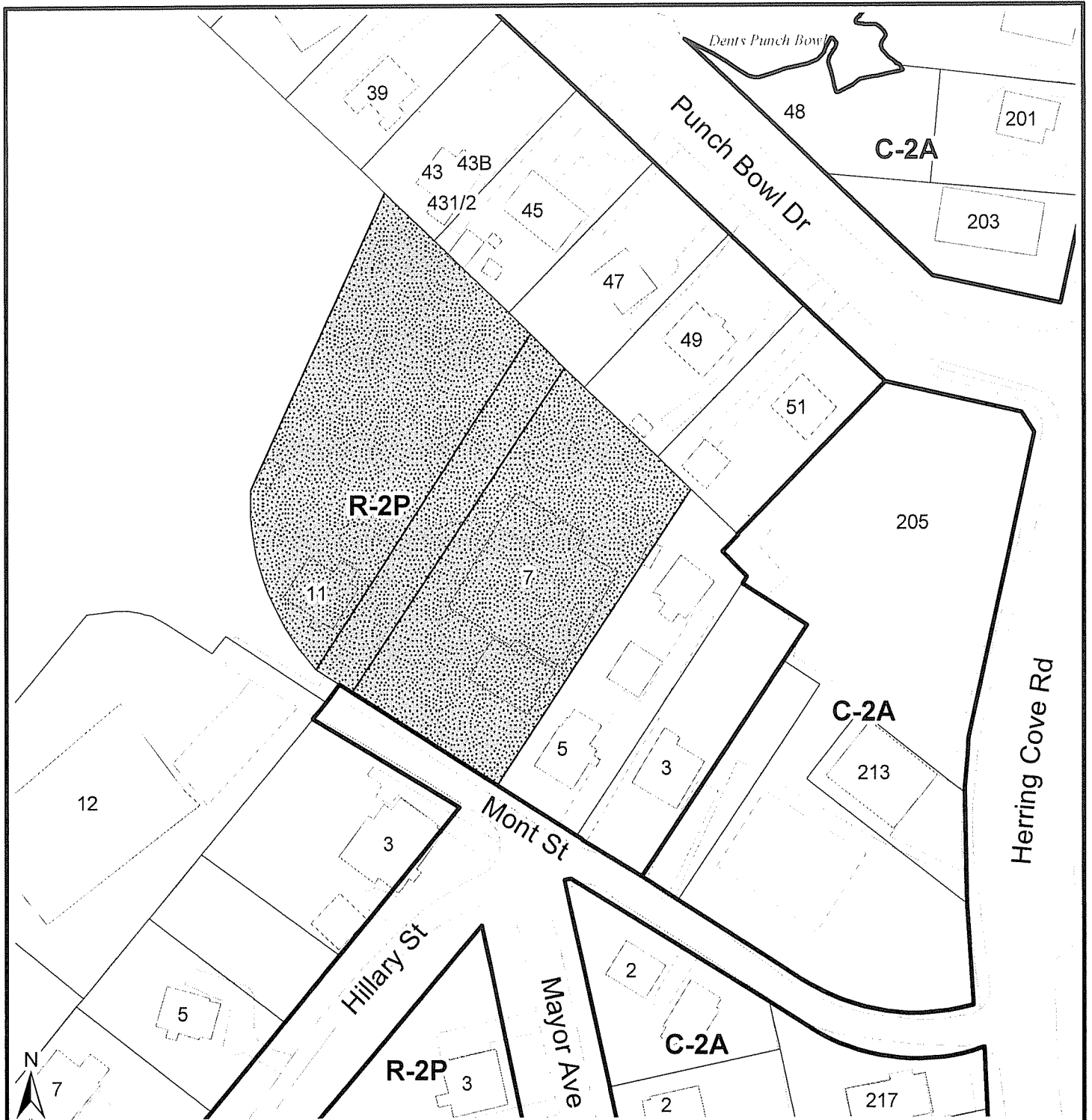
BE IT ENACTED by the Chebucto Community Council of the Halifax Regional Municipality that the Halifax Mainland Land Use By-law, as amended, is hereby further amended as follows:

1. The Halifax Mainland Zoning Map shall be amended by rezoning 7 and 11 Mont Street (PIDs 40328544, 00313155 and 40334245) from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone, as illustrated on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Halifax Mainland Land Use By-law, as set out above, was passed by a majority vote of the Chebucto Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.


GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk



Schedule A

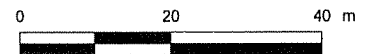
7 - 11 Mont Street
Halifax

 Area to be rezoned from R-2P (General Residential) to P (Park and Institutional)

Halifax Mainland
Land Use By-Law Area

Zone

R-2P General Residential
C-2A Minor Commercial



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

Attachment B:
Excerpt 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) day care facility.
- 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 C:
Review of Relevant Policies from the MPS

Institutional Policies from the Mainland South Secondary Planning Strategy
Policy 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.
Staff Comment: The Jost Mission was established in 1869 in Halifax, and one of its main undertakings was the welfare and education of children. Today, the Edward Jost Children’s Centre is a registered non-profit, licensed day care facility. As a non-profit organization, the Edward Jost Children’s Centre is governed by a Board of Directors known as the Jost Mission Day Care Society.
Policy 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.
Staff Comment: In evaluating the rezoning of these three parcels from the R-2P (General Residential) Zone to the P (Park and Institutional) Zone, staff have considered neighbouring residential uses, and believe the uses permitted in the P Zone will be compatible with existing uses. Mont Street is a short street with a mix of uses, from commercial uses at the junction with Herring Cove Road, to low density residential properties, and ending at the subject properties. The proposed day care facility at 11 Mont Street will be of a similar scale, size and intensity of use as the existing day care facility at 7 Mont Street. Feedback from the public information meeting was supportive of both the existing facility as well as the proposed expansion. A traffic impact statement reviewing the proposal states that “the intersection of Herring Cove Road and Mont Street operates well within HRM guidelines and will continue to operate well with the addition of site-generated traffic. The overall operation of Herring Cove Road and adjacent streets will not be noticeably impacted by site-generated traffic from the expansion to the Edward Jost Children’s Centre.” While Mont Street does not meet current public street standards, this issue is beyond the scope of the proposed rezoning.

Attachment D:
Public Information Meeting Minutes – January 7, 2010

In attendance: Councillor Adams
Mackenzie Stonehocker, Planner
Kathleen Couture, on behalf of applicant
Bill Piercey, Quackenbush Thomson & Robbins
Hilary Campbell, Planning Technician
Gail Harnish, Planning Services

Call to order, opening comments

Ms. Mackenzie Stonehocker advised Planning Services has received an application to rezone the existing children's centre, The Edward Jost Children's Centre, at 7 Mont Street as well as the adjacent lot at 11 Mont Street from R-2P (General Residential) Zone to the P (Park and Institutional) Zone to permit a daycare.

The purpose of tonight's meeting is for staff to explain the planning process and for the applicant to explain their proposal, as well as to hear from members of the public.

Overview of planning process

Ms. Stonehocker displayed an aerial image of the area, pointing out the properties in question as well as the surrounding area. 7 and 11 Mont Street consist of three parcels. There is a small parcel between the two larger ones which is roughly where the existing driveway is right now.

The properties are zoned R-2P which allows up to four residential units. There are a couple of different designations in the area. The R-2P zoned lots are designated for Medium Density Residential uses, while the C-2A zoned lots are designated for Minor Commercial uses. The R-2 zoning across the Herring Cove Road is designated for Low Density Residential uses which allows up to two units as opposed to four. To the left of the site is the RDD zone which allows for a mix of residential uses by way of development agreement. That is how Rockcliffe Village is proceeding.

The children's centre exists at 7 Mont Street. They would like to expand and want to use the property next door, however, a daycare is not permitted in that zone. They applied for a rezoning from R-2P, which focuses on residential, to P, which would allow a daycare.

Ms. Stonehocker reviewed the rezoning process:

- an application was received
- staff does a preliminary review of the application to make sure there is policy support to consider the request
- a PIM is held to gather feedback from the public

- comments are received from other departments and compared against what the municipal planning strategy says
- a staff report is prepared which includes a recommendation which is tabled with Chebucto Community Council
- usually Community Council will proceed to schedule a public hearing
- following the public hearing, Community Council will make a decision
- there is an appeal period

Ms. Stonehocker advised this part of Halifax is covered by the Mainland South Secondary plan. Policy 3.1.1. allows Council to consider a rezoning to the P (Park and Institutional) Zone. In considering such a rezoning, Council shall have regard for compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation, and noise.

While the proposal is for a day care, if the rezoning is approved, other uses are permitted in the P Zone. For instance, community facilities, libraries, parks and recreation facilities, as well as a number of other uses are permitted in the P Zone.

Proposal

Ms. Kathleen Couture advised the Jost Mission has been around Nova Scotia for a little over 100 years. The Edward Jost Children's Centre has been at the current location in Spryfield for twenty years. They have been hosting 52 children and have a waiting list of 230 children. They would like to build a second centre. They chose 11 Mont Street not only for convenience but for the quality of the program. By having the building beside them they can maintain a good quality program and they would not be duplicating services.

The new building is a very simple structure which will have two play grounds, one on each end. It will have four rooms. They will open their centre to infants which will be really great because currently they are only taking children 18 months and above. It will also host another toddler's room and two pre-school rooms. The chance of 3 year olds getting into their centre is slim to none. As their children grow older, they take up the pre-school spots. Having four pre-school rooms will allow them to help Spryfield. They will expand from 52 to 106 children.

Questions and comments from members of the public

Mr. Josh MacDonald stated he was in support of the request. He knew Kathleen has put a lot of effort into this and wanted to applaud her for her efforts. It will be a great program for the community.

Ms. Nancy Wooden said she was here on behalf of the Spryfield Residents Association which is completely supportive of this effort by the Jost organization because Spryfield has been lacking in daycare for so long. With all the new development, they need good daycare which they would be providing.

Ms. Wooden questioned how the City would treat the intersection of Mont Street and the Herring Cove Road. Right now there seems to be a U-Haul truck parking lot there, which she thought needs to change. Because of this application, there will be a lot more traffic on the street and there is already a lot of traffic there from the Pharmasave.

Ms. Stonehocker advised she discussed the street briefly with Engineering staff and Mont Street is definitely not up to current road standards in terms of the width of the right-of-way. The current application would not involve the right-of-way at Herring Cove Road being increased but we can ask the by-law folks to look at the U-Hauls on the north side.

It was suggested perhaps a sidewalk going to the daycare might be in order.

Mr. Boyd Sharpe said he wished to echo the comments of the previous gentleman. He thought this is a great move and was glad it is happening. He thought the idea of a sidewalk from Herring Cove Road to the daycare site would be a very good idea. It is quite tight getting in there now especially with a stroller.

Ms. Heather Whitehead stated she thought this is a great idea and they really need it in Spryfield. She questioned if this is just a Spryfield project or is it for the catchment area.

Ms. Couture advised currently their applicants are from the Spryfield area from Cowie Hill to Harrietsfield and Williamswood.

Ms. Whitehead questioned how big their waiting list was.

Ms. Couture responded 230.

Ms. Whitehead commented they are only capturing 25% of their waiting list. This is a good start.

The meeting adjourned at approximately 7:20 p.m.