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**Chebucto Community Council**  
**January 7, 2008**

**TO:** Chair and Members of Chebucto Community Council

**SUBMITTED BY:** Sharon Bond  
Sharon Bond, Acting Director of Community Development

**DATE:** December 14, 2007

**SUBJECT:** **Case 01005: Amendment to Halifax MPS and Development Agreement for 11 Ramsgate Lane, Halifax**

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**ORIGIN**

1. Application by Mr. George Oickle on behalf of Melville Ridge Holdings Limited and Gem Health Care Group, to amend the Halifax Municipal Planning Strategy (MPS) to enable additional nursing home beds at 11 Ramsgate Lane, Halifax.
2. On May 29, 2007, Regional Council approved the initiation of the MPS amendment process.

**RECOMMENDATION**

It is recommended that Chebucto Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax MPS as provided in Attachment "A" of this report, and schedule a joint public hearing with Chebucto Community Council.
2. Recommend that Regional Council approve the proposed amendments to the Halifax MPS as provided in Attachment "A" of this report.
3. Give Notice of Motion to consider the proposed development agreement amendment, as provided in Attachment "B", to enable an additional 11 nursing home beds for Melville Gardens at 11 Ramsgate Lane, Halifax and to schedule a joint public hearing with Regional Council.

***Recommendations continued on next page.***

**Contingent upon the adoption by Regional Council of the above MPS amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that Chebucto Community Council:**

1. Approve the proposed amending agreement, as provided in Attachment “B”. (Staff will bring this matter back to Chebucto Community Council for a decision at the appropriate time.)
2. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

### **BACKGROUND**

Melville Ridge is a retirement complex located off the Purcells Cove Road in the community of Fleming Heights. The complex consists of several buildings and facilities including:

- 4 apartment buildings
- 1 nursing home
- 1 assisted living / nursing home
- 1 professional centre (pharmacy, clinic)

The complex was originally established in 1985 pursuant to the Residential Development District (RDD) policies of the Halifax Mainland South Secondary Plan which allow for comprehensively planned communities by way of the development agreement process.

The original 1985 development agreement for Melville Ridge has been the subject of no less than eleven (11) amendment applications. Many of these amendments were enabled through very specific amendments to the Halifax MPS. One such amendment was adopted by Regional Council in June 1998 (Case #7504), and allows for an “80-bed residential care and retirement facility” on 11 Ramsgate Lane, Halifax. Subsequently, Melville Gardens, an 80-bed residential facility was constructed as a residential care assisted living facility.

The current application is to increase the number of nursing beds from 80 to 91. No exterior change or exterior modification to the Melville Gardens building will be necessary. The increase in density from 80 beds to 91 beds is achieved through the conversion of existing, one bedroom assisted living suites on the fourth floor into smaller semi-private nursing care rooms.

### **DISCUSSION**

The MPS Policy (see Attachment C) to permit the existing development was created in response to the significant number of amendments to the original development agreement and to address compatibility issues with surrounding properties. Part of the original rationale for the MPS to

contain such very specific requirements over matters such as the number of nursing home beds is to afford Regional and Community Council with a high degree of control over development on the site. The policy reference to an "80-bed residential care and retirement facility" was specific in the number of beds only to clearly describe the applicant's development proposal. The "80-bed" requirement did not evolve from general planning principles nor does it relate to a site density issue.

In addition to the "80-bed" policy, the MPS also includes policy that requires the building to comply with the R-4 (Multiple Dwelling) Zone angle controls. Policy also limits the height of the building to four storeys and to a building footprint of not more than 14,200 square feet.

The proposed amendment to the MPS would delete the "80-bed" limitation on the building. Removing the "80-bed" limitation in plan policy would allow for increases in the number of nursing beds, subject to compliance with the density guidelines in Schedule I, "Guidelines for Residential Development Districts" of the Mainland South Secondary Plan. The building density is also controlled through compliance requirements of the National Building Code (NBC). A proposed increase in nursing beds would require the building owners to meet the more stringent standards of the NBC Group B2 (Hospital). Expansion of the facility's building envelope (height and footprint) would remain controlled within plan policy.

The proposed amending agreement would also add a new section to the development agreement that would allow Community Council to consider future amendments to the number of beds as a non-substantial amendment and to render a decision on such amendments by resolution.

The existing and proposed density of Melville Gardens exceeds the RDD density guideline of 22 persons gross acre. However, the policy guidelines do permit Council to consider proposals that would exceed the density provided that the development does not exceed the sewer capacity. Staff have reviewed the applicant's submission and determined that the proposed increase in density can be accommodated without exceeding the sanitary sewer system design capacity.

Generally, MPS amendments should only be considered where there is a change in circumstances or in unique situations. The supporting information, provided by the applicant and confirmed by staff through discussion with provincial long term care regulators, demonstrates a shortage and immediate need for nursing home beds within HRM.

### **Public Information Meeting**

A public information meeting was held on Wednesday, September 12, 2007 at the Captain William Spry Centre. The minutes are provided in Attachment "D". The meeting was attended by a single resident who indicated support for the project. There were two written submissions provided to staff, both submissions indicated strong opposition to the proposal based upon past grievances with the original development and its impact on domestic wells. The technical issues involving the wells on Melville Avenue have been resolved with all residents now being serviced

by municipal water. However, both letters indicated negative support for the application. (See Attachment “E”)

In consideration of the immediate need for nursing care beds, and that the proposal to increase beds can be accomplished without an exterior change to the building, staff recommend that Community Council forward their recommendation to Regional Council to approve the requested amendment to the Municipal Planning Strategy. Should Regional 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**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and the work can be carried out within the approved budget with existing resources.

### **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**

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the proposed amendments to the Halifax Municipal Planning Strategy as described in Attachment “A” of this report. This is the recommended option.
2. Regional Council may choose to not approve the request to amend the Halifax Municipal Planning Strategy as described in Attachment “A” of this report. There is no appeal process and Council is under no obligation to amend the Municipal Planning Strategy.

### **ATTACHMENTS**

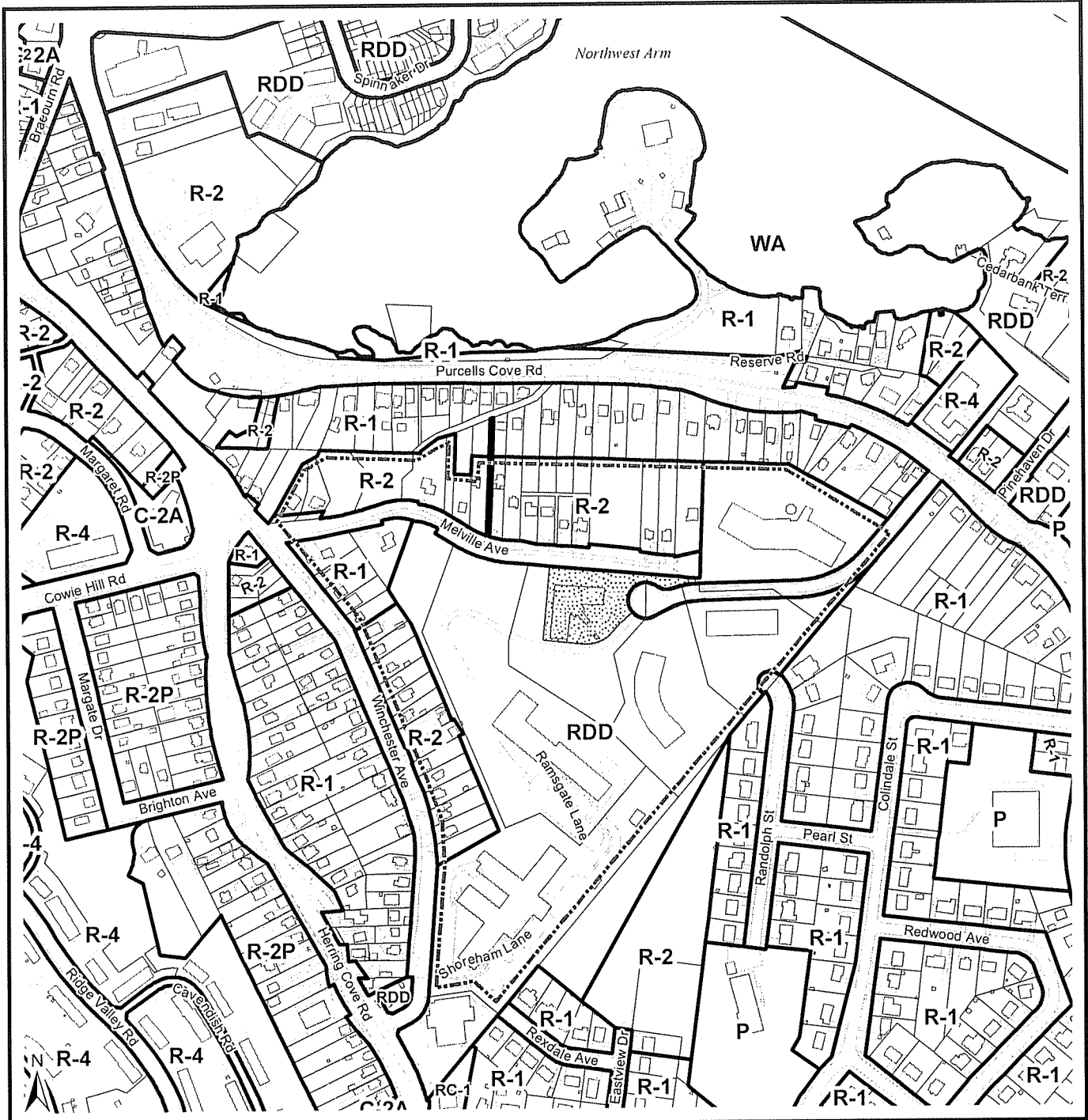
Map 1	Location, Area of Notification and Zoning Map.
Attachment A	Proposed MPS Amendment
Attachment B	Proposed Amending Agreement
Attachment C	Relevant Sections of the MPS
Attachment D	Public Information Meeting Minutes
Attachment E	Written Submissions

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: Brian White, Planner I, 490-4793





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



**Map 1 - Location and Zoning**

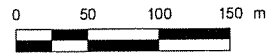
11 Ramsgate Lane  
Halifax

-  Subject area
-  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-4 Multiple Dwelling
- C-2A Minor Commercial
- P Park and Institutional
- RDD Residential Development District



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 "A"**

**Amendments to Section X of the Halifax Municipal Planning Strategy  
Mainland South Secondary Planning Strategy**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Halifax as enacted by Halifax City Council on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August, 1978 as amended, is hereby further amended as follows:

1. Amend Policy 1.5.3.5 of Section X by deleting the words "an 80 bed" between the words "permit" and "a" (shown struck below) so the policy will read as follows:

1.5.3.5 For the area designated as "Residential Development District" known as Melville Ridge as shown on Map 1 of Schedule I, notwithstanding that the site is less than three acres and does not provide a mixture of residential uses nor a mix of dwelling unit types, the Municipality may, by development agreement pursuant to Schedule I, permit ~~an 80 bed~~ a residential care and retirement facility on Lot 4 Ramsgate Lane.





**AND WHEREAS** a condition of the granting of approval of Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

**AND WHEREAS** the Chebucto Community Council of Halifax Regional Municipality, approved this request at a meeting held on the **day of 2008**, to the registered owner of the lands described herein entering into this agreement, referenced as Municipal Case #01005;

**THEREFORE**, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

The existing development agreement, as amended, shall be further amended as follows:

1. PART 2.1 is deleted and replaced with the following:

The Developer shall construct on the lands a building which, in the opinion of the Development Officer, is substantially in conformance with Schedules B, C, D and E (Plans No. 001 - 004 filed in the Halifax Regional Municipality Community Services Department as Case 00017) and shall not develop or use the lands for any purpose other than an **91-bed** residential care and retirement facility.

2. Adding "PART 5: Amendments" immediately following "PART 4: Enforcement and Rights and Remedies on Default" as follows:

PART 5: AMENDMENTS

5.1 Substantive Amendments

Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

5.2 Non-Substantive Amendments

A change in the total number of beds, provided that the proposed increase in density can be accommodated without exceeding the sanitary sewer system design capacity as per the RDD policy guidelines provisions of Schedule I, "Guidelines for Residential Development Districts" in the Mainland South Secondary Planning Strategy, is considered by both parties to be not substantive and may be amended by resolution of the Council.

WITNESS that this Amending Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2008.

SIGNED, SEALED AND DELIVERED ) MELVILLE RIDGE HOLDINGS LIMITED  
in the presence of )  
 )  
 ) Per: \_\_\_\_\_  
\_\_\_\_\_ )

SEALED, DELIVERED AND )  
ATTESTED to by the proper )  
signing officers of Halifax Regional ) HALIFAX REGIONAL MUNICIPALITY  
Municipality duly authorized )  
in that behalf in the presence )  
of ) Per: \_\_\_\_\_  
\_\_\_\_\_ ) MAYOR

) Per: \_\_\_\_\_  
) MUNICIPAL CLERK

**Attachment "C"**

**Relevant Sections of the Halifax Municipal Planning Strategy  
Section X - Mainland South Secondary Planning Strategy**

- 1.5.3.5 For the area designated as "Residential Development District" known as Melville Ridge as shown on Map 1 of Schedule I, notwithstanding that the site is less than three acres and does not provide a mixture of residential uses nor a mix of dwelling unit types, the Municipality may, by development agreement pursuant to Schedule I, **permit an 80 bed a residential care and retirement facility on Lot 4 Ramsgate Lane.**
- 1.5.3.5.1 Any development permitted pursuant to Policy 1.5.3.5 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors such as but not limited to:
- (I) architectural design
  - (ii) screening of air conditioners, dumpsters, propane tanks, driveways, etc
  - (iii) service entrances
  - (iv) building materials
  - (v) lighting
  - (vi) parking
  - (vii) accesses to the site and building
- 1.5.3.5.2 Without limiting the generality of the foregoing, the Municipality shall have regard for the following:
- I) The height of the building shall not exceed four storeys nor elevation 174.5.
  - ii) the building shall comply with the size of building requirements of the R-4 Zone (angle controls) from Melville Avenue.
  - iii) No portion of the building shall be closer to Melville Avenue than 40 feet.
  - iv) Vehicular access shall not be permitted from Melville Avenue.
  - v) The footprint of the building shall not exceed 14,200 square feet.
  - vi) The area of Lot 4 abutting Melville Avenue for a depth of 35 feet shall be maintained as a buffer area within which no construction

activity is to take place nor any existing trees removed except as required to install a water line or as required for safety reasons.

- vii) Any agreement made pursuant to policy 1.5.3.5 shall include provisions for the continued maintenance and upkeep of the buffer area as required by clause vi.
- viii) The layout and design of the building and services shall follow for the retention of mature trees.

### **Schedule I Guidelines for Residential Development District**

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

#### Uses Which May be Permitted

1. Residential Uses
2. Community Facilities
3. Institutional Uses
4. Neighbourhood Commercial Uses
5. Commercial Convenience Centres.

#### Site Development Guidelines

5. Residential
  - a density of twenty-two persons per gross acre shall be permitted. **Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers.** In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.
  - no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.
  - the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

**Attachment "D"**  
**Public Information Meeting**  
**Case 01005**  
**September 12, 2007**

In attendance: Brian White, Planner, Planning Applications  
Sharlene Seaman, Admin Support, Planning Applications  
Gail Harnish, Planning Services  
George Oickle, Applicant

**Opening remarks, introductions, purpose of meeting**

**Mr. Brian White** called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre. We are here to discuss an application by George Oickle, on behalf of Melville Ridge Holdings Limited and Gem Health Care Group, to amend the Halifax Municipal Planning Strategy (MPS) to enable an additional eleven nursing home beds by amending the development agreement for Melville Gardens at 11 Ramsgate Lane (Case 01005).

**Overview of planning process**

Mr. White provided an overview of the planning application process:

- we received a letter of request from the applicant
- staff did a preliminary review of the application
- we prepared a report to Regional Council which initiated the planning process
- we are now at the public information meeting
- staff will do a detailed review of the application
- staff will prepare a staff report and a proposed amending development agreement which is tabled with Chebucto Community Council
- Community Council will forward its recommendation to Regional Council, who will either schedule a date for a joint public hearing or reject the application
- a joint public hearing is held
- the MPS amendments are forwarded to the Province for review
- once the amendments are in effect, Community Council will make its decision on the development agreement
- there is an appeal process for the development agreement

Mr. White noted one of the points made in the initiation report is that there are no exterior changes to the building being proposed.

**Presentation of proposal**

**Mr. George Oickle** stated when they finished 11 Ramsgate Lane, they operated the facility for about five years. The top floor did not catch onto the public and did not work. Approximately

one year ago they had 20,000 sq.ft. on the top floor and nobody was living there, so they decided they needed to do something to improve that. They approached the Department of Health with a proposal to modify seventeen one-bedroom units and make thirty-four private rooms for the same level of care that they have downstairs which at that point was filled up. They were told by the Department of Health they did not have a need for any more RCF beds but they had an immediate need for thirty-four/thirty-five long-term care beds in the Halifax area and wanted to know if they could satisfy that need.

Mr. Oickle said he knew they had a residential building so they had to study it for a bit. With some assistance from an independent engineering firm, they found out it was possible to do and they proceeded to modify the seventeen one-bedroom units to what they thought would be thirty-four long-term care beds. They were required by the Department of Health to have a central bath and a dining room, so they ended up with thirty-one long-term care beds after they extended the dining room and installed the central bath.

Mr. Oickle indicated they then needed to do something with the development agreement. They knew they would have eighty people in that facility once they modified the top floor. It was a win-win situation for them because they now have an unoccupied 2000 sq.ft. as opposed to 20,000 sq.ft. They got an occupancy permit for thirty long-term care beds which brought the density up to eighty beds which is the capacity in the current development agreement. They then made application to HRM and it was decided they had to modify the current agreement which allows them to have eighty beds to ninety-one beds. This happened because of the urgent need to do something with the transitional care unit downtown.

The Department of Health requires them to have 1.5 caregivers for each resident that lives there whereas in the transitional care unit they have a nurse who is taking care of sick people as well as tending to long-term care patients. They would have 1.5 caregivers dedicated to the needs of the people living in their facility. Their job would be to administer care to these people and not drop in when they had an opportunity between their regular work planned for the day.

Mr. Oickle concluded by saying he hoped this was the final step to try and get their development agreement amended to go from eighty-one beds to ninety one beds.

### **Questions and comments**

**Mr. Reg Allen** indicated he was never on the third floor except for when he went to look at the renovations, and wondered what was up there before.

Mr. Oickle responded it was completely independent.

Mr. Allen said his question, which has been answered in the presentation, was whether there were any exterior changes being proposed. He was prepared to support the proposal. He lived at 2 Ramsgate Lane. He was in a corner unit and overlooked the building. He was there for five years and in that period of time he frequently visited the building and was pretty familiar with it.

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

**Council Report Sign-Off Sheet**

Subject: Case 01005 - Amendment to Halifax MPS and Development Agreement for 11 Ramsgate Lane, Halifax

Meeting Date: January 7, 2008  Regular Council  In Camera  Information Report  
 Community Council  Board/Committee

Prepared by: Brian White, Community Development  
Name and Business Unit

Date: December 14, 2007

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	FINANCE - FinTrack - Accounts - Financial Consultants - Procurement - Manager	D Kerzen	Dec 27 / 07 3:40 pm		
	FIRE				
	HR				
	IAM				
	LEGAL - By-Laws - Admin Orders - Other				
	POLICE				
	TPW				
	LIBRARY				
	HRWC				
	COUNCILLOR(s)				
	Stakeholder - External				

Revised: October 16, 2007