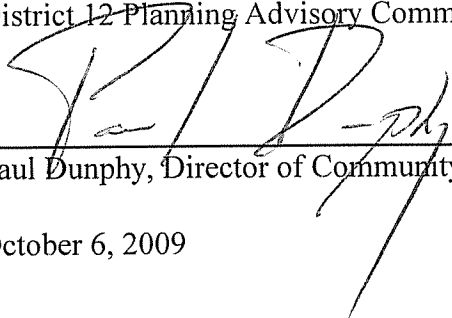




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

District 12 Planning Advisory Committee  
October 26, 2009

**TO:** District 12 Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** October 6, 2009

**SUBJECT:** Case 01309: Rezoning - 5247 Morris Street, Halifax

**ORIGIN**

Application by Terrain Group Inc. for the lands of Dalhousie University to rezone 5247 Morris Street, Halifax, from R-3 (Multiple Dwelling) Zone to U-2 (High Density University) Zone.

**RECOMMENDATION**

It is recommended that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Give First Reading of the proposed rezoning as set out in Attachment A and schedule a public hearing.
2. Approve the rezoning of 5247 Morris Street, Halifax, as shown on Schedule A, from the R-3 (Multiple Dwelling) Zone to the U-2 (High Density University) Zone.

## **BACKGROUND**

The subject property, 5247 Morris Street, is located on the north side of Morris Street, Halifax (Map 1), and is part of Dalhousie University's Sexton Campus, formerly known as the Technical University of Nova Scotia (TUNS). The parcel of land is approximately 3500 square feet in area, and contains a two storey residential building, which was previously occupied as two residential units.

The applicant is requesting an amendment to the Halifax Peninsula Land Use By-Law to rezone the property from the R-3 (Multiple Dwelling) Zone to the U-2 (High Density University) Zone to permit university uses on the parcel.

## **DISCUSSION**

### **Municipal Planning Strategy Policies**

The Generalized Future Land Use Map of the Halifax Municipal Planning Strategy (MPS), South End Secondary Planning Area (Map 2), designates the subject property as U (University). As per Policies 4.5 and 9.1 of the MPS (Attachment "B"), this designation allows for university uses. More specifically, Policy 4.5.5.1 (Attachment "B") of the MPS states that the high density university zone should be applied to the entirety of the TUNS campus.

The MPS also contains a Policy, 4.5.3 (Attachment "B"), which requires the orderly and efficient development of all potential building sites before considering rezoning applications to expand the boundaries of the University. The subject property is a logical extension of the U-2 zone, as it physically surrounded by university uses, and clearly the intent demonstrated both in plan policy and on the generalized future land use map is to include these lands as part of the campus.

### **Zone on Abutting Parcel**

The abutting property, an 8.2 acre parcel which contains most of the Sexton Campus, is currently split zoned. Although the parcel is primarily zoned U-2, there are portions on the perimeter of the property that are zoned R-3, and P (Park and Institutional) Zone. In conjunction with the approval of the Downtown Halifax Secondary Planning Strategy (DHSPS), Council approved the rezoning of this large parcel to place it entirely within the U-2 Zone. This rezoning is not yet in place but will come into force when the DHSPS and its associated documents become effective. When this occurs, the subject property, 5247 Morris Street, would be the only remaining portion of the Sexton Campus that would not be zoned U-2. Approval of the current application would provide uniform zoning throughout the Sexton Campus.

## Proposed Use

Dalhousie University has indicated that it intends to maintain the existing structure in its current form, and occupy the building as administrative and academic offices. The immediate plans are to use the first floor of the building as two offices and four clerical spaces. However, should the lands be rezoned, the site could be redeveloped for any use permitted in the U-2 zone.

## Public Information Meeting/Notification Area

A public information meeting for this application was held on September 9, 2009. Minutes of this meeting are provided as Attachment "C" of this report. There were no concerns about the proposed rezoning raised at the public information meeting.

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.

## Conclusion

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

## BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310. Budget availability has been confirmed by Financial Services.

## FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

## ALTERNATIVES

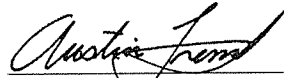
1. Council may approve the rezoning application. This is the recommended course of action.
2. Council may choose to reject the proposed rezoning. Pursuant to the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal, based on the policies of the MPS.

ATTACHMENTS

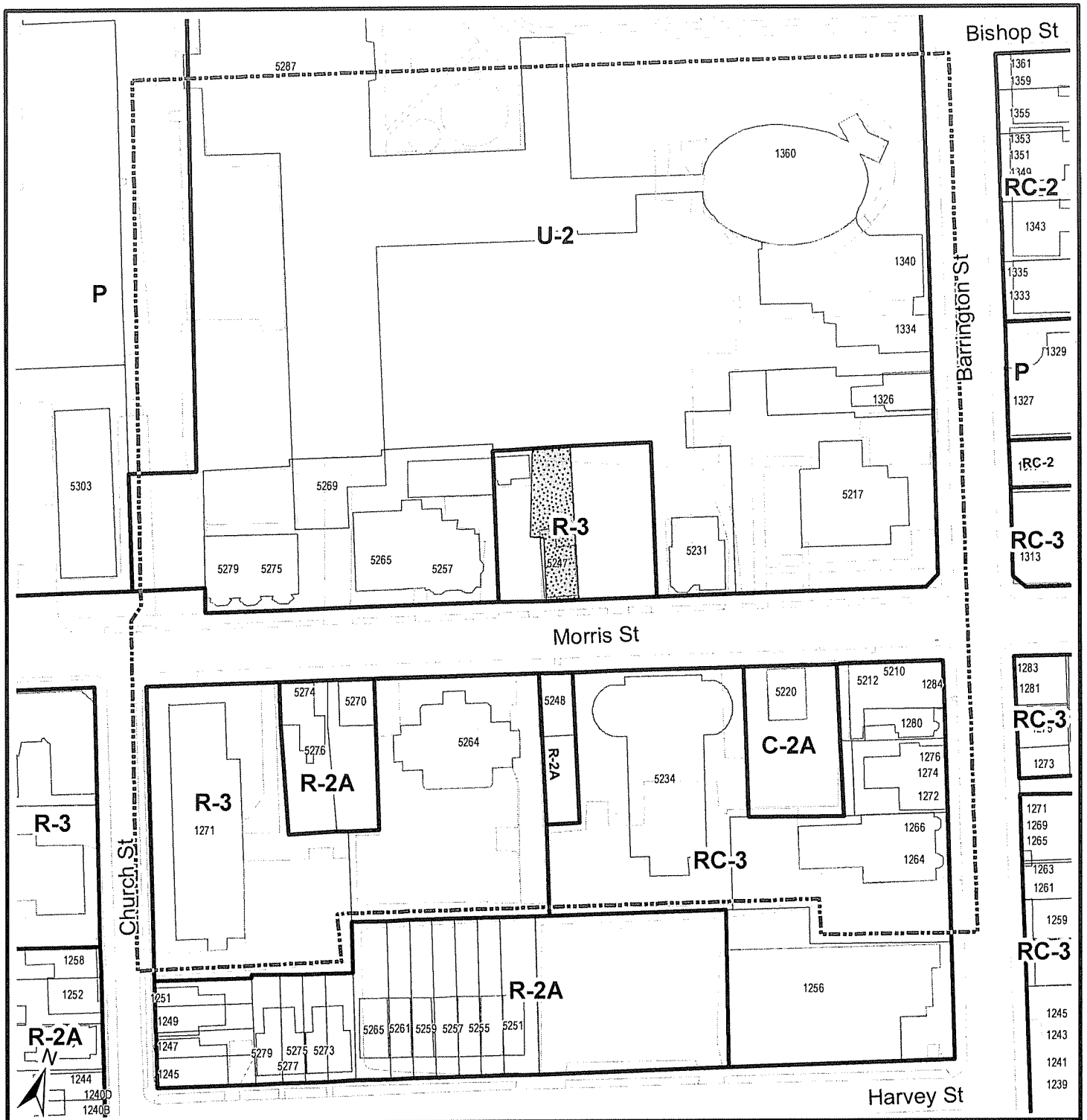
Map 1	Location, Zoning and Area of Notification
Map 2	Generalized Future Land Use
Attachment "A"	Proposed Amendment
Attachment "B"	Excerpts from the Halifax MPS
Attachment "C"	Public Information Meeting Minutes

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



### Map 1 - Location and Zoning

5247 Morris Street  
Halifax

-  Property to be rezoned from R-3 (Multiple Dwelling) to U-2 (High-Density University)
-  Area of notification

Halifax Peninsula  
Land Use By-Law Area

#### Zone

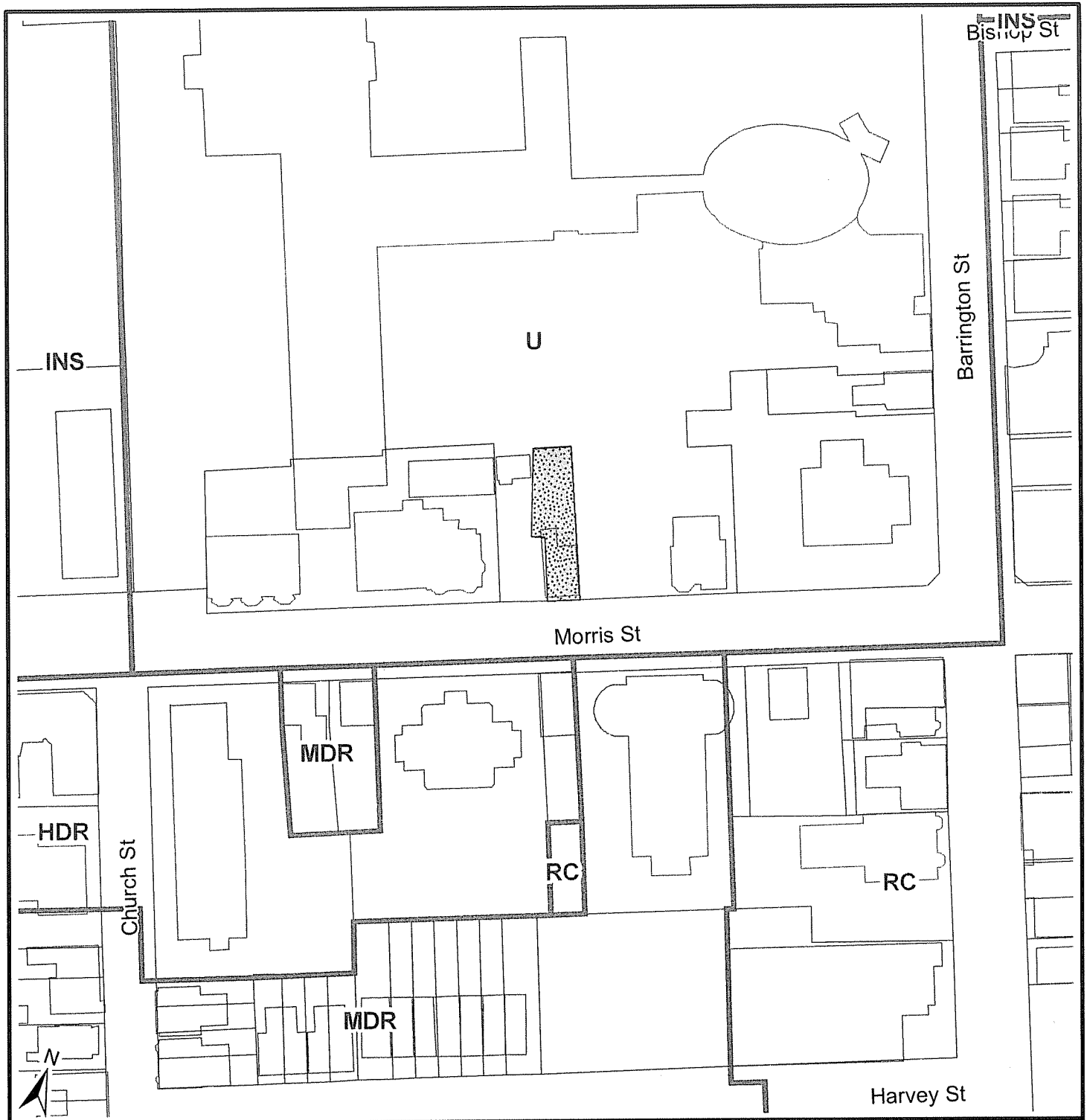
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- RC-2 Residential Minor Commercial
- RC-3 High Density Res. Minor Commercial
- C-2A Minor Commercial
- P Park and Institutional
- U-2 High-Density University

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES




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

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



## Map 2 - Generalized Future Land Use

5247 Morris Street  
Halifax

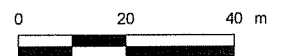
 Property to be rezoned from  
R-3 (Multiple Dwelling) to  
U-2 (High-Density University)

Halifax Plan Area

### Designation

MDR Medium Density Residential  
 HDR High Density Residential  
 RC Residential Commercial Mix  
 OS Open Space  
 INS Institutional  
 U University

**HALIFAX**  
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 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES



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

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**Attachment A**  
**Proposed Amendments to the Peninsula Area of the Land Use Bylaw**

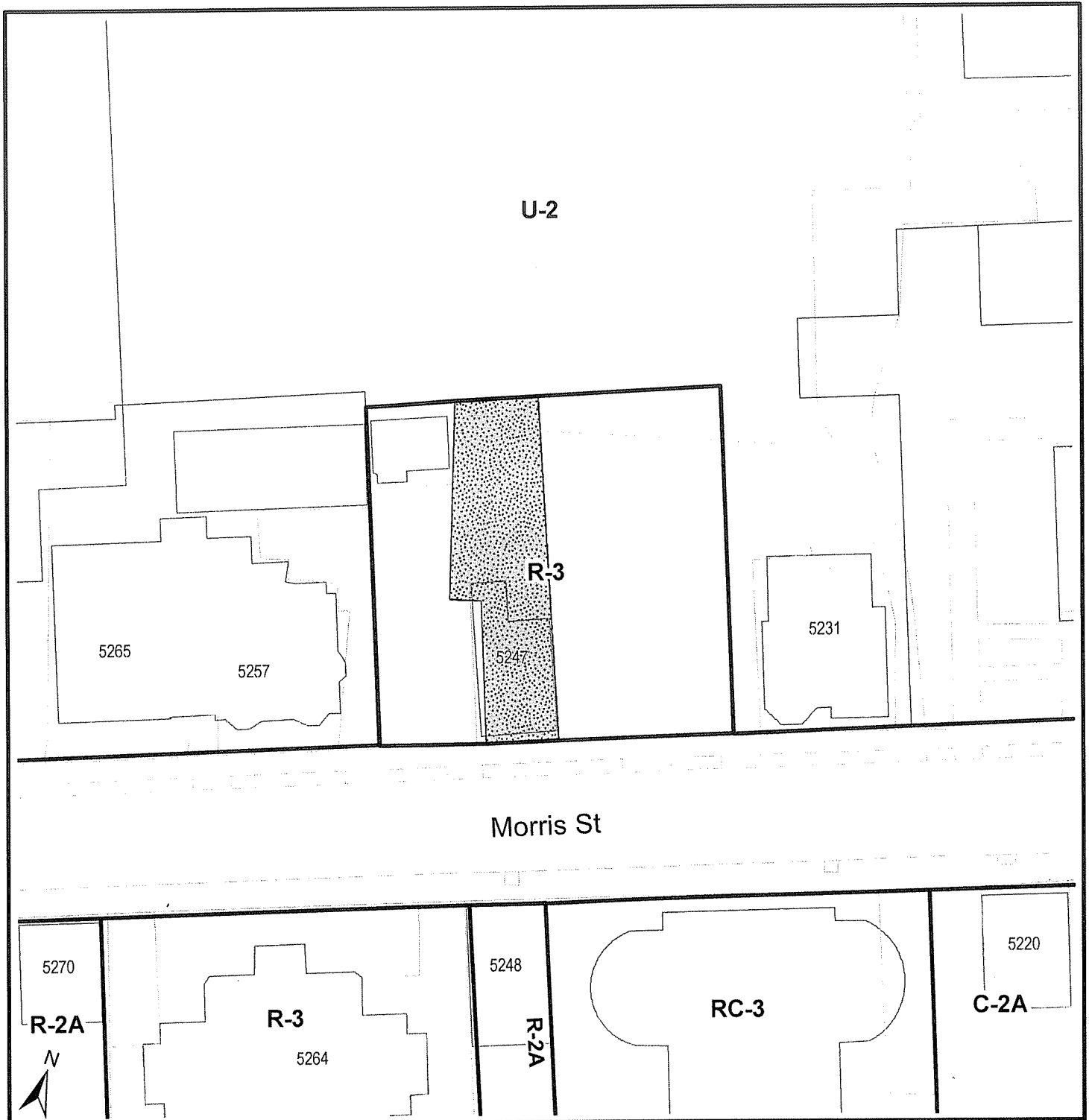
BE IT ENACTED by the Peninsula Community Council of the Halifax Regional Municipality that the Peninsula Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30<sup>th</sup> day of March, 1978 and approved by the Minister of Municipal Affairs on the 11<sup>th</sup> day of August 1978 as amended, is hereby amended as follows:

1. **Map ZM-1 of the Land Use By-law be amended as shown in the attached Schedule "A".**

I HEREBY CERTIFY that the amendment to the Peninsula Land Use By-law for Halifax, as set out above, was passed by a majority vote of the Peninsula Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009.

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



**Schedule A**

5247 Morris Street  
Halifax

 Property to be rezoned from  
R-3 (Multiple Dwelling) to  
U-2 (High-Density University)

Halifax Peninsula  
Land Use By-Law Area

**Zone**

- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- RC-2 Residential Minor Commercial
- RC-3 High Density Res. Minor Commercial
- C-2A Minor Commercial
- P Park and Institutional
- U-2 High-Density University



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

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



**Attachment B**  
**Excerpts from the Halifax MPS**

Policy 4.2 (Part II, Section V South End Area Plan Policies):

*The City shall encourage existing institutional uses to remain in their present locations and shall encourage reuse of existing institutional areas where appropriate in preference to expanding areas where institutional uses may be permitted.*

Policy 4.5 (Part II, Section V South End Area Plan Policies):

*"University" development shall be restricted to the areas designated for such uses on the Future Land Use Map of this Plan. The City shall amend its Zoning By-law to carry out the intent of this policy and Policies 4.5.1 and 4.5.2 below.*

Policy 4.5.3 (Part II, Section V South End Area Plan Policies):

*The City shall require the orderly development of University areas and shall not consider rezoning applications which would permit an expansion of the boundaries of University areas until such time as potential building sites within the boundaries of university areas have been used.*

Policy 4.5.5 (Part II, Section V South End Area Plan Policies):

*Pursuant to Policies 4.5.1 and 4.5.2, the City shall amend its Zoning By-law to provide for two University Zones: a high-density zone which would allow all university uses, and a low-density zone with a height limitation of 35 feet or four storeys which would allow only university uses which would have minimal impacts on adjacent residential uses.*

Policy 4.5.5.1 (Part II, Section V South End Area Plan Policies):

*Pursuant to Policy 4.5.5, the City shall apply such zones as follows:*

- (i) the low-density zone to the periphery of the St. Mary's University Campus and to the entirety of the Pine Hill Divinity College Campus; and*
- (ii) the high-density zone to the interior of the St. Mary's University Campus and to the entirety of the Technical University of Nova Scotia Campus.*

Policy 9.1 (Part II, Section V South End Area Plan Policies):

*The Generalized Future Land Use Map (Map 9A) shall 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 Plan.*

Policy 9.2 (Part II, Section V South End 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 which 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.*

**Attachment C**  
**Public Information Meeting**  
**Case 01309**  
**September 9, 2009**

In attendance: Councillor Sloane  
Patricia Hughes, Planner, Planning Applications  
Shanan Pictou, Planning Technician  
Gail Harnish, Planning Services  
Nathan Rogers, Terrain Group  
Jeff Lamb, Dalhousie University

Also in attendance: 2 members of the public

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

Ms. Patricia Hughes called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Spencer House, Morris Street, Halifax. The purpose of the meeting is to discuss an application to rezone the lands of Dalhousie University at 5247 Morris Street from R-3 (Multiple Dwelling) Zone to U-2 (High Density University) Zone.

**Overview of planning process**

Ms. Hughes advised we are considering an application to rezone 5247 Morris Street from R-3 to U-2. Under the Municipal Planning Strategy for the area, the lands are designated as Institutional so Council can consider the rezoning to U-2.

Ms. Hughes noted HRM recently went through the HRMbyDesign process. Following adoption of that process, the only part of the Sexton Campus that will not be zoned U-2 is this shaded R-3 area (pointed out on map) which is why we have the proposal before us tonight. They are not looking to rezone the entire parcel; just the portion in the middle.

Ms. Hughes provided an overview of the rezoning process:

- tonight we are at the PIM
- staff will do a detailed review of the application
- staff will prepare a report, which includes a recommendation, and is tabled with Peninsula Community Council
- if they decide to proceed, a public hearing is scheduled, or they can reject the application
- a public hearing is held (if they proceed)
- there is an appeal process

## Proposal

Mr. Nathan Rogers stated the application is to rezone 5247 Morris Street from R-3 to U-2. From Dalhousie's perspective, this is a housekeeping item. The other properties for the Sexton Campus are zoned and designated for university use so they believe this will give them consistent zoning. Dalhousie will change this building from a two unit flat to enable office space. The exterior of the building will remain the same; there will be interior renovations only. There is adequate parking in the area. Dalhousie contracts a number of parking lots in the area. Onstreet parking is also available for visiting short-term.

## Questions and comments from members of the public

Mr. Mike Turner stated they own the building across the street from this building. They lease the property, Uniacke House, to Dalhousie on a five year lease. They have been careful to maintain and manage control. They have a problem with the way Dalhousie manages buildings occupied by students. There was a problem with garbage outside their buildings. Dalhousie is not proactive; they never seem to do anything until there is a complaint. It is the same with the graffiti. It has presumably been removed for this meeting but it has been there for years.

Mr. Turner indicated when Dalhousie moved into their building, they wanted to put up a sign outside which they had a problem with. Within a week of having the sign put up, the building was vandalized. They then said no more signs on the outside of the building and the sign was removed. They worked hard to make it invisible to the rest of the population that Dalhousie was there. He did not understand why Dalhousie was not socially responsible and removed graffiti when it appeared and cleaned up the garbage. They visit their buildings once a week.

Mr. Turner noted there is a 6' chain link fence behind the building, and suggested they put up a decent fence. Landscaping the parking lot would help. Buildings that are well kept are not vandalized.

Mr. Turner stated they have no problem with the rezoning but did have a problem with Dalhousie's building management, particularly in terms of its attitude towards its neighbours which should be addressed.

Mr. Jeff Lamb advised Dalhousie has an ongoing service contract and they do remove graffiti.

Mr. Turner stated they have to remove it within twenty-four hours.

Ms. Verna Turner commented the graffiti has been removed a couple of times, however, it goes straight back on.

Mr. Turner stated there are similar problems with a building up the street as well.

Mr. Lamb commented he would turn it around and say “welcome to our world”.

Mr. Turner said they had six buildings in the City. If they see graffiti, it is removed the next day. They are able to maintain their buildings pretty well.

Mr. Lamb advised they have a client reception number which people can call. They do not wait for tenants or residents to complain. They inspect all their buildings at least once a week. They have 111 buildings and seven exterior staff. They are an institution, and not a private property management company. Their mandate is to teach students. They try and tell everybody on campus “we can only fix it if we know about it; if we have not noticed it ourselves, then make the phone call”. He confirmed this is part of the duties of the security staff.

Mr. Turner stated they have no objection to the rezoning. He thought they can do something with the building in terms of landscaping around it.

Councillor Sloane asked if they considered paving the back.

Mr. Lamp advised they are working on their master plan which includes a landscaping plan. They have to prioritize items within their budget.

Ms. Turner asked about the timeframe for the process.

Ms. Hughes advised it would take a couple of months to go through the process. The report will go to the District 12 Planning Advisory Committee and then onto the Peninsula Community Council.

The meeting adjourned at approximately 7:25 p.m.