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Item No. 10.1.5

Halifax Regional Council
April 1, 2008

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: March 14, 2008

Subject: **Case 01136: Amendment to the Sackville MPS and LUB and Regional Subdivision By-law Service Requirement Map**

ORIGIN

An application by Annapolis Group Inc., on behalf of Scotia Nursing Homes, to permit a residential care facility and assisted living facility at PID#41233388 located on Cobequid Road, Sackville.

RECOMMENDATION

It is recommended that Regional Council:

1. Initiate the process to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to consider the addition of institutional uses, specifically residential care facilities as a permitted use in the BP-1 (Business Park 1) Zone; and
2. Initiate the process to consider amending the Regional Subdivision By-law to extend the Urban Service Area to include the remaining portion of PID#41233388 located on Cobequid Road, Sackville; and
3. Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

Provincial Contract : Long Term Care Beds

The Province of Nova Scotia has recently awarded contracts for approximately 552 long term care beds for the entire province, including 100 beds in Halifax Regional Municipality. Fifty of these beds were awarded to Scotia Nursing Homes for a proposed site on Cobequid Road in Sackville. The long term care beds are licensed by the Province but operated by a private operator or not for profit organization. The beds will be divided into two types; 37 nursing home beds¹ and 13 residential care beds². Further Scotia Nursing Homes would like to build a complementary 75 unit assisted living facility³.

Sackville Proposal / Site

The proposed site is located on Cobequid Road about 500 meters (1640 feet) east the intersection of Glendale Drive and Cobequid Road. The site is approximately 2.2 hectares (5.5 acres) in size and located in a mixed use area surrounded by a mixture of light industrial, commercial and residential land uses and undeveloped land. The proposal includes a two floor long term care facility and a five floor assisted living facility (Map 4). Scotia Nursing homes intends to build the long term care facility first followed, at a later point, by the assisted living facility.

Existing Planning Realm

The site is designated Rural Residential and Business Park (Map 1) in accordance with the Sackville MPS. The property is currently zoned BP-1 (Business Park 1) Zone(Attachment B) and R-6 (Rural Residential) Zone (Attachment C) (Map 2) in accordance with the Sackville LUB. The BP-1 Zone is applied to privately held lands adjacent to the Sackville Industrial Park. The site is partially located in the Urban Service Area and partially within the Water Service Area of the Regional Subdivision By-law (Map 3). The site can be serviced with municipal water and partially serviced with sewer.

¹ "Nursing Home" means a building or place or part of a building or place in which accommodation is provided or is available to persons over 16 years of age requiring intensive personal care under the supervision of a registered nurse.

² "Residential Care Facility" means any building or place, or part of a building or place, where supervisory or personal care (but without professional nursing care) is provided for 4 or more people who are ambulatory or semi-ambulatory.

³ Assisted Living is an unlicensed form of care which does not provide direct supervision but provides residents with assistance with daily activities. These facilities are privately operated and are currently not licensed by the Province.

The Land Use By-law permits the long term care facility in the R-6 Zone as a “Residential Care Facility” under the provisions of the P-2 (Community Facility) Zone (Attachment D), however the land use must be operated by a public housing authority.

The BP-1 Zone does not permit residential care facilities as-of-right but they may be considered by development agreement in any designation in the Sackville MPS. Assisted living facilities, are not defined as a land use in the Sackville MPS and LUB and currently not permitted.

DISCUSSION

Requested Changes

Jurisdiction of Regional Council:

- C Amend the Sackville MPS to permit a broader range of institutional uses in the BP-1 Zone including residential care facilities.
- C Amend the Regional Subdivision By-law to include the remainder of PID#41233388 in the Urban Service Area Map to permit full sewer service.

In order for Planning Services to recommend considering a change to the MPS and Regional Subdivision By-law, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. An initial review has identified the following:

- C There is a lack of housing for persons in need of specialized assistance in the Sackville area.
- C There is a lack of land of sufficient size to house such a facility currently available in Sackville.
- C While the site is partially zoned for light industrial development, the site is proximate to existing residential development and community facilities.
- C The proximity of the site to the Cobequid Health Centre makes it extremely attractive for the proposed land use. The MPS never contemplated the location of the new Cobequid Health Centre and the impacts the Centre would have on related commercial and institutional development.
- C Recent changes in the transportation network which connected Glendale Drive with Highway 102 has created a new focal point for the community in the Cobequid Road area.
- C While extensions to the Urban Service Area are generally not viewed in a favourable manner, the proposed land use appears to generate less sewer flows over the whole site than land uses currently capable of being constructed on half of the site under the Business Park Zoning. Further, half of the site is within the current Urban Service Area and the proposed extension will align the Urban Service Area with the property line for the subject site.
- C In general, the proposal generally complies with the intent of Policy SU-5 of the Regional MPS which permits Council to consider additions to the Urban Service Area Map.

Staff wish to advise Regional Council that several amendments to the Sackville Land Use By-law will be required in addition to the MPS amendments outlined above. These amendments (subject to another staff report) are the jurisdiction of North West Community Council and include:

- C Removing the requirement that residential care facilities be operated by a public housing authority.
- C Revising the definition of Residential Care Facilities to include Assisted Living Facilities.

Summary

The proposed Regional Subdivision By-law amendments would permit a logical expansion of the existing Service Area boundary. The proposed MPS amendment to add appropriate institutional uses within the BP-1 Zone would facilitate a long term care facility which is desperately needed within the community and does not appear to have obvious negative impacts. Therefore staff recommend that Council initiate the planning process to consider expanding the permitted institutional uses in the BP-1 Zone and expand the Urban Service Area to include the subject lands as outlined in the recommendation section of this report.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning 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 choose to initiate the MPS amendment process as stated in this report. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feels that there is merit in considering the amendment to the Bedford MPS.

ATTACHMENTS

Map 1 Generalized Future Land Use Map

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**Amendment to Sackville MPS
Council
Regional Subdivision By-law
2008**

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Halifax Regional

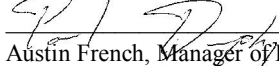
April 1,


Map 2	Zoning Map
Map 3	Service Requirement Map (Regional Subdivision By-law)
Map 4	Site Plan

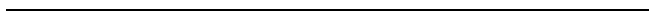
Attachment A	Sackville MPS Policies - BP Designation
Attachment B	Sackville LUB - BP-1 Zone Requirements
Attachment C	Sackville LUB - R-6 Zone Requirements
Attachment D	Sackville LUB - P-2 Zone Requirements
Attachment E	Regional MPS Policies - Service Extensions

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: Andrew Bone, Sr. Planner- Planning Applications: Community Development 869-4226

Report Approved by: 
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Financial Approval by: 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: 
Paul Dunphy, Director, Community Development



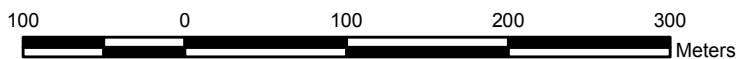
Map 1 Generalized Future Land Use

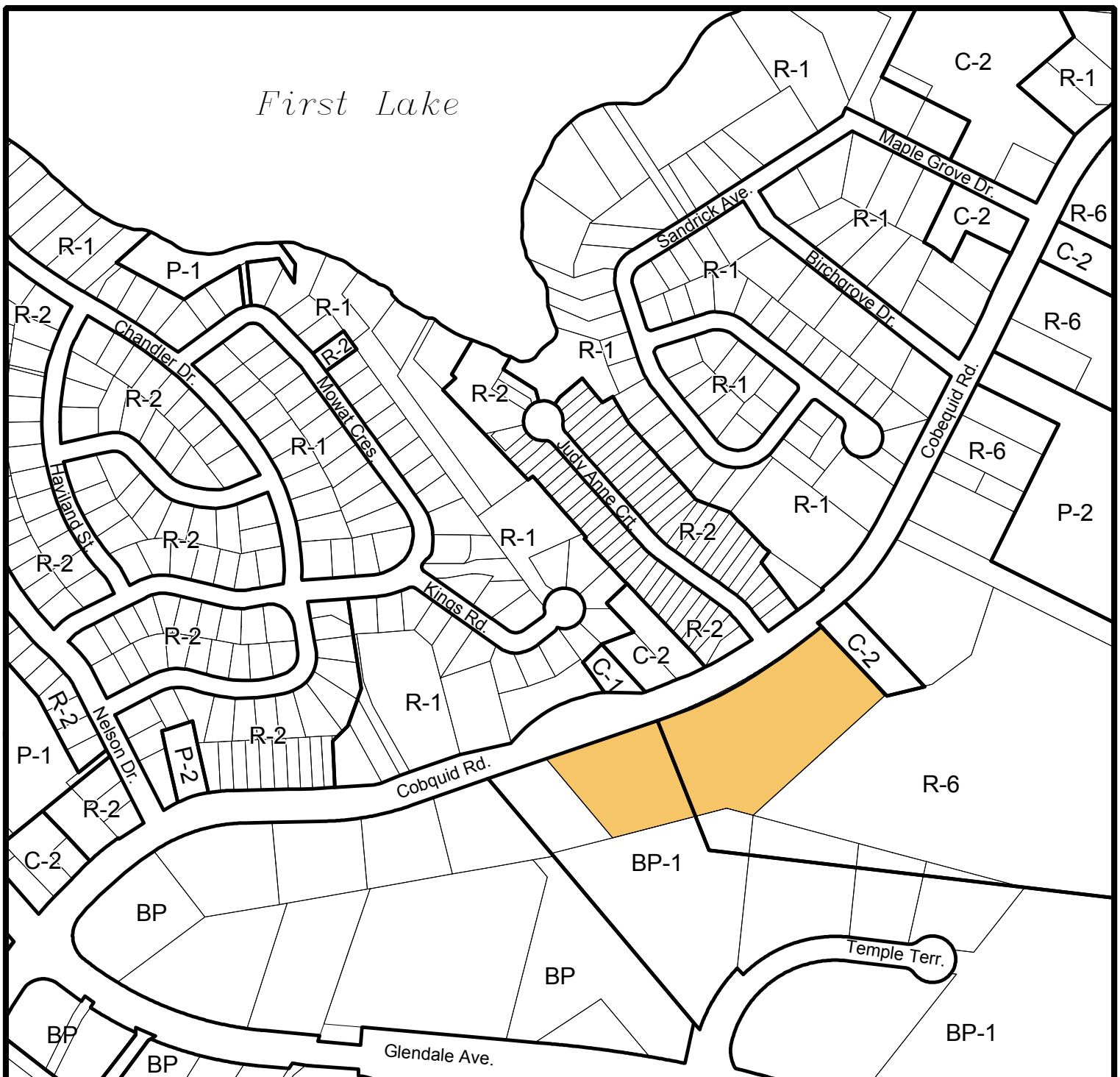


Subject Property

- UR Urban Residential Designation
- RR Rural Residential Designation
- CF Community Facility Designation
- CC Community Commercial Designation
- BP Business Park Designation

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Planning Services





Map 2 Zoning

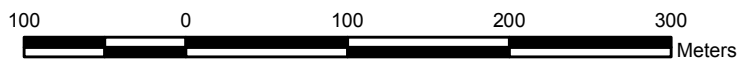


Subject Property

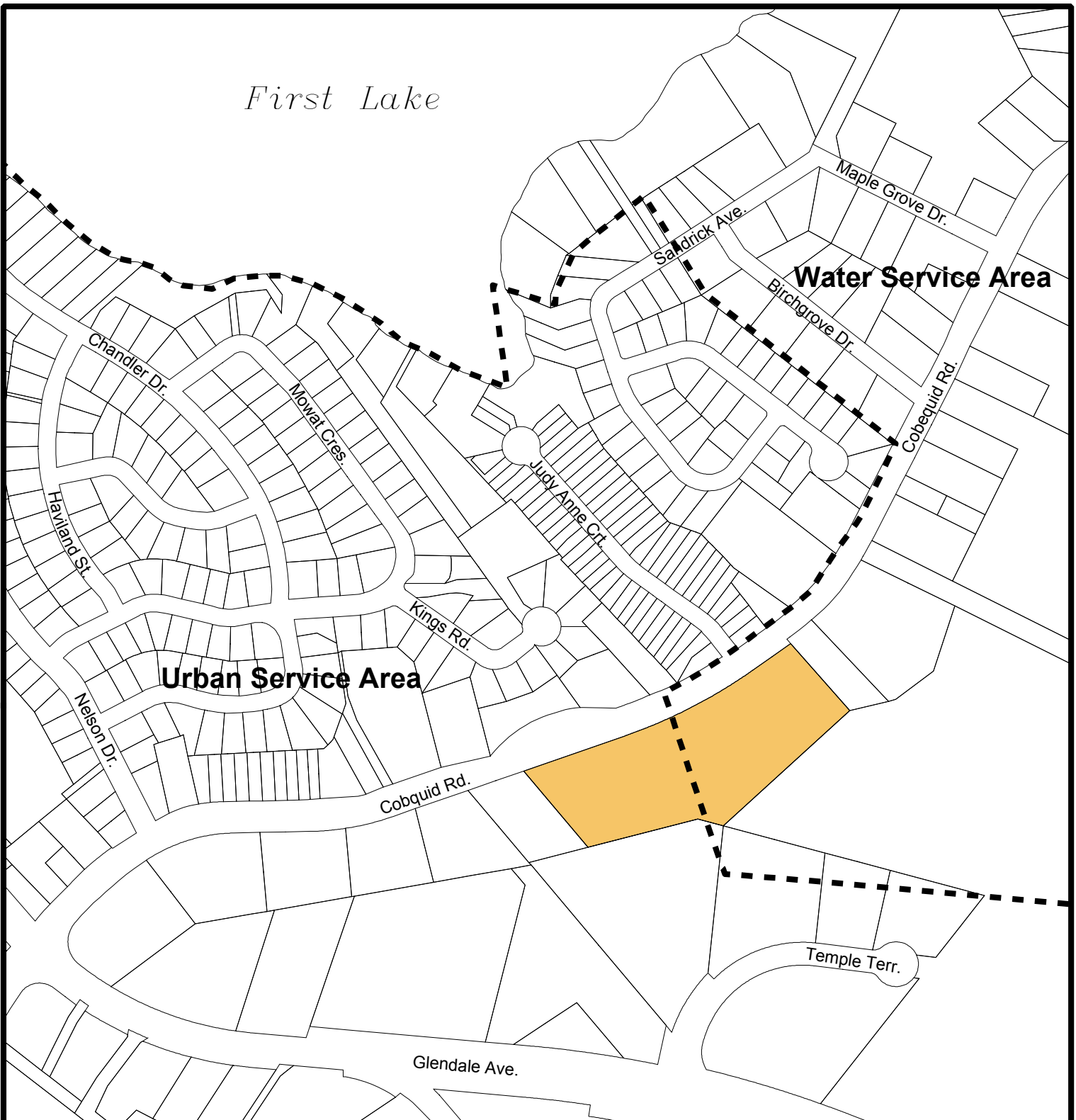
R-1 Single Unit Dwelling Zone
 R-2 Two Unit Dwelling Zone
 R-6 Rural Residential Zone
 P-1 Open Space Zone
 P-2 Community Facility Zone

C-1 Local Business Zone
 C-2 Community Commercial Zone
 BP-1 Business Park - 1 Zone
 BP Business Park Zone

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First Lake



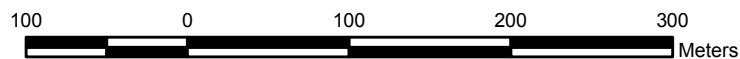
Map 3



Subject Property



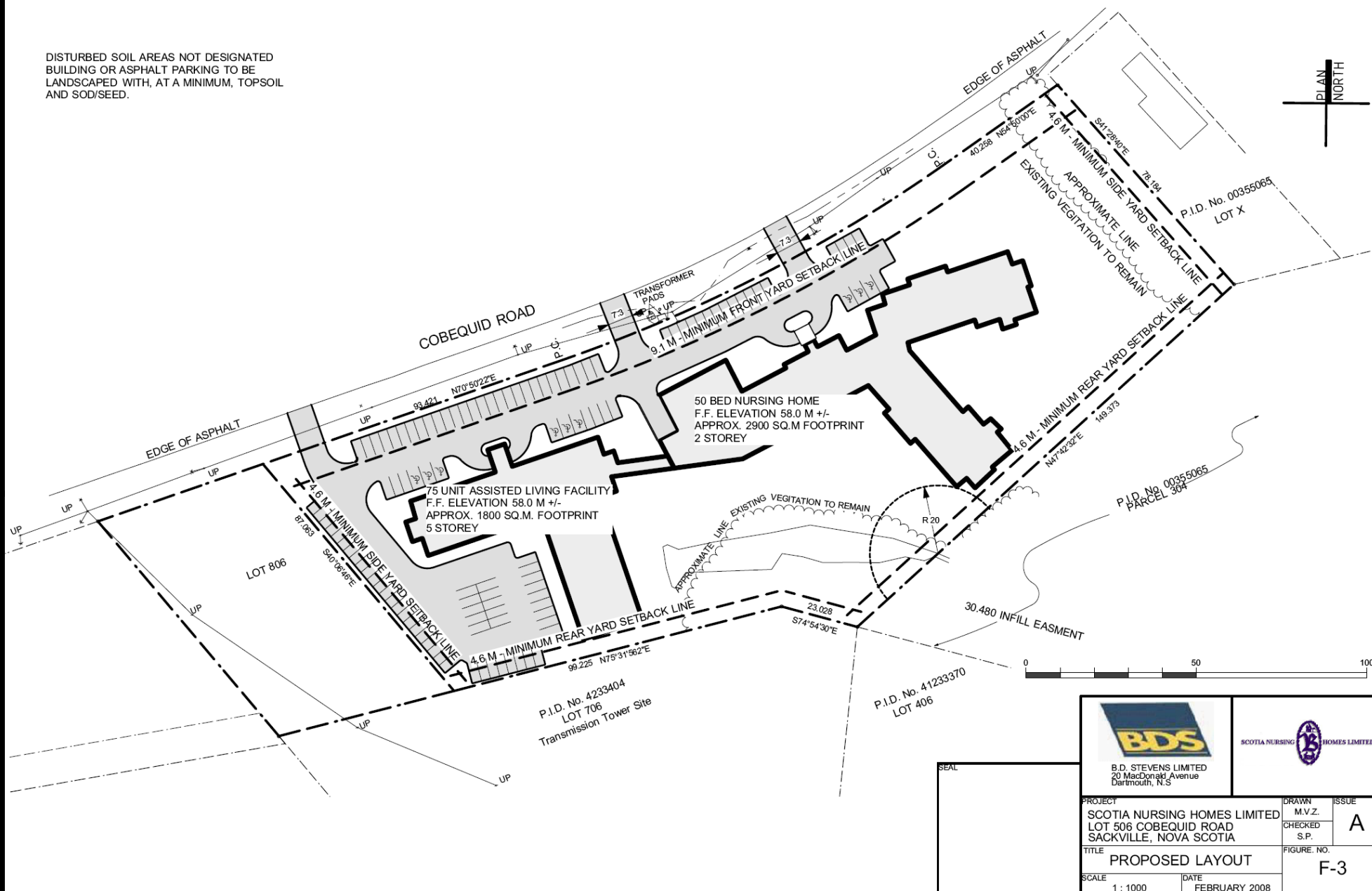
Service Boundary





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DISTURBED SOIL AREAS NOT DESIGNATED
BUILDING OR ASPHALT PARKING TO BE
LANDSCAPED WITH, AT A MINIMUM, TOPSOIL
AND SOD/SEED.



Map 4
Site Plan

 B.D. STEVENS LIMITED 20 MacDonald Avenue Dartmouth, N.S.		 SCOTIA NURSING HOMES LIMITED	
PROJECT SCOTIA NURSING HOMES LIMITED LOT 506 COBEQUID ROAD SACKVILLE, NOVA SCOTIA		DRAWN M.V.Z.	ISSUE A
TITLE PROPOSED LAYOUT		FIGURE NO. F-3	
SCALE 1 : 1000	DATE FEBRUARY 2008		

Attachment A
Sackville MPS Policies - BP Designation

- BP-1 In support of the Sackville Business Park, it shall be the intention of Council to establish a Business Park Designation as shown on the Map 1 - Generalized Future Land Use. Lands within the designation shall constitute a priority area for industry and business development within the Plan Area.
- BP-3 In support of the continued development and expansion of the Sackville Business Park and further, in support of future industrial/commercial growth in Sackville, it shall be the intention of Council to include lands to the northeast of the Sackville Business Park within the Business Park Designation.
- BP-4 With reference to Policy BP-3, it shall be the intention of Council to establish a business park-1 zone which permits light industrial and office uses and commercial office and retail uses **and denominational institutions and uses. (RC-Dec 16/03;E-Jan 24/04)** This zone shall be applied to lands to the northeast of the Sackville Business Park.

**Attachment B
Sackville LUB - BP-1 Zone Requirements**

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

No development permit shall be issued in any BP-1 (Business Park-1) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and Personal Service Uses
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants

Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments

Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Institutional Uses

Denominational Institutional and Uses (RC-Dec 16/03;E- Jan 24/04)

Open Space Uses

Any use permitted in the P-1 (Open Space) Zone

18.2 **BP-1 ZONE REQUIREMENTS**

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

18.3 **OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES**

- (a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
 - i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.

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- ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
 - stone (NWCC-May10/07;E-May26/07)**
 - iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
 - v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
 - vi) No landscaping area shall be used for parking or developer in any other manner.
 - vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
 - viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
 - ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
 - x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
 - xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
 - xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

**Attachment C
Sackville LUB - R-6 Zone Permitted Uses**

PART 12: R-6 (RURAL RESIDENTIAL) ZONE

12.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Bed and breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Resource Uses

Agricultural uses

Forestry uses

Fishing and fishing related uses

Community Uses

Open space uses

Institutional uses except day care facilities, medical clinics and fraternal centres and halls

12.7 R-6 ZONE REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Parts 19 and 20.

Attachment D
Sackville LUB - P-2 Zone Requirements

PART 20: P-2 (COMMUNITY FACILITY) ZONE

20.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following uses:

Institutional Uses

Educational institutions and uses
Denominational institutions and uses
Day care facilities
A single unit dwelling in conjunction with a daycare facility
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Public libraries, museums and galleries
Private club and lodge
Community centres and halls
Residential care facilities constructed and maintained by a public housing authority

Open Space Uses

Public and private parks and playgrounds
Recreation uses
Cemeteries
Day camps
Historic sites and monuments
A single unit dwelling in conjunction with a cemetery, excluding a mobile dwelling

20.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

In any P-2 Zone, where uses are permitted as institutional uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard Minimum Rear or		30 feet (9.1 m)

Side Yard building
Maximum Lot Coverage

½ the height of the main
50 per cent

20.3 P-2 ZONE REQUIREMENTS: OPEN SPACE USES

In any P-2 Zone, where uses are permitted as open space uses, no development permit shall be issued except in conformity with the provisions of Part 19.

Attachment E
Regional MPS Policies - Service Extensions

- SU-5 Further to Policy IM-9, within the Urban Settlement designation, HRM shall consider requests to amend the Urban Service Area. When considering any expansion of the Urban Service Area, HRM shall have regard to the following:
- (a) that a Community Visioning exercise has been undertaken in accordance with Policy G-11 and a Secondary Planning Strategy for the lands to be included within the Urban Service Area has been adopted by HRM except that this requirement may be waived where, in the opinion of HRM, the proposed extension represents a minor adjustment to the Area;
 - (b) the financial ability of HRM to absorb any costs relating to the extension;
 - (c) that the lands are within a reasonable distance of existing infrastructure and sufficient capacity exists within the system;
 - (d) the impacts on natural heritage and availability of existing or committed infrastructure, impacts on density targets, and agricultural capability ;
 - (e) compliance with buffer and distance separation policies and regulations for natural resource activities within the Urban Settlement Designation;
 - (f) impacts on the natural environment and cultural features;
 - (g) existing or potential drainage or pollution problems;
 - (h) the interconnection of urban areas;
 - (i) watershed or sub-watershed studies are completed as per Policy E-17;
 - (j) that the lands are adjacent to an existing subdivision serviced with municipal wastewater and water distribution systems;
 - (k) that an infrastructure charge area is established, if appropriate; and
 - (l) the sufficiency of community services in the area and the ability to expand community services to meet future needs.