


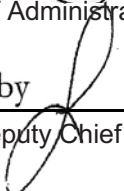
HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.4
Halifax Regional Council
November 24, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: October 28, 2015

SUBJECT: **Case 19722: Amendments to the Halifax Mainland South Secondary Planning Strategy for 15 Shoreham Lane, Halifax.**

ORIGIN

Request from GEM Health Care Group Limited

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to initiate the process to consider amending the Halifax Mainland South Secondary Planning Strategy and Mainland Land Use By-law to:

1. Broaden the range of permitted land uses at 15 Shoreham Lane, as identified on Map 1; and
2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

BACKGROUND

Gem Health Care Group Limited is requesting additional land uses, including a restaurant, in an existing commercial/office building located at 15 Shoreham Lane, Halifax (Map 1). The subject property forms part of the Melville Heights Residential Development District (RDD) and an existing development agreement is in place. Existing land use policy limits uses on the property to health care related uses and does not enable the developer to establish other commercial land uses. As such, GEM is seeking amendments to the Mainland South SPS and the existing development agreement to enable its proposal.

Location, Designation, Zoning and Surrounding Land Use

Subject Property	15 Shoreham Lane, Halifax (Map 1).
Location	Corner of Herring Cove Road and Shoreham Lane - accessed via Shoreham Lane. (Map 1)
Lot Area	0.43 hectares (46,768 sq. ft.)
Building Size	Single storey with basement, 1344 sq.m. (15,670 sq. ft.)
Regional MPS Designation	Urban Settlement under the Regional Municipal Planning Strategy (RMPS)
Community MPS Designation	Residential Development District (RDD) under the Halifax Mainland South Secondary Planning Strategy (SPS) (Map 1).
Zoning	Residential Development District (RDD) Zone under the Halifax Mainland Land Use By-law (LUB) (Map 2)
Surrounding Uses	<u>North</u> : Residential / Retirement complex. <u>South</u> : Residential and commercial <u>East</u> : Residential <u>West</u> : Residential and commercial
Current Use(s)	Health related uses / vacant

Existing Development Agreement and Policy Context

The existing development agreement for the Melville Heights retirement community was approved in 1985 and enables seven buildings with a variety of housing types (213 long term beds and 243 dwelling units). The policies enabling this approval were replaced in 1987 upon adoption of the Mainland South SPS with new RDD policies that enable the consideration of limited changes to the development. Revisions to these policies were approved in 1994 to enable limited changes to the range of health care uses within the commercial/office building at 15 Shoreham Lane.

Proposal

The property owner is proposing to amend the Halifax Municipal Planning Strategy, specifically the Mainland South SPS (Policy 1.5.3.1) to allow for restaurant uses within the building at 15 Shoreham Lane. The proposal (Attachments A and B) encompasses approximately 557.4 sq. m. (6,000 sq. ft.) of space, or approximately 40 percent of the building. In addition to the request for an MPS amendment, the property owner is seeking an amendment to the existing development agreement to enable the proposed restaurant and the construction of a new mechanical room.

DISCUSSION

Municipal Planning Strategy Amendments

The Halifax MPS is a strategic policy document which sets out the goals, objectives and direction for long term growth and development in the former City. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

Rationale

The property owner has provided the following rationale in support of the proposed amendment:

- The existing Professional Centre has been challenged by the relocation of two major tenants in recent years. Specifically, a large retail pharmacy and a medical clinic have relocated to other locations in the community and the building has experienced extensive vacancy since that time.
- The marketing of the vacant space for health care uses has not yielded new tenants.
- There is interest from potential commercial tenants for the available space and the property owner is of the opinion that these uses are appropriate for the property.

Staff Review

The submitted rationale has been reviewed in the context of site circumstances and surrounding land uses and there is merit in considering the proposal for the following reasons:

Location - Access to the property is via Shoreham Lane, a public street, and is immediately adjacent to Herring Cove Road. Shoreham Lane specifically services the Melville Heights development and does not connect to adjoining local residential streets, preventing traffic from infiltrating into surrounding neighbourhoods. It should be noted however that Shoreham Lane and Ramsgate Lane do connect via the Melville Heights development driveways to Purcels Cove Road.

Narrow List of Permitted Uses - Existing SPS policy limits development on the property to a very narrow list of health care related land uses and vacancy has in fact been high as potential health care related tenants are few. Staff has been unable to determine if it was intentional that uses be limited to health care related uses, or if the approved policies simply reflect what was requested by the owner at the time.

Support of Broadening Permitted Uses - Melville Heights is the only RDD where policy specifically limits uses to health care related, whereas in other RDD areas a broader range of uses is permitted (Attachment C). This policy generally supports the establishment of a broader list of land uses as stated in Schedule I of the Mainland South SPS:

“Neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses.”

Development Regulation Approach - If Regional Council initiates the process, the request will undergo a series of technical evaluations to determine appropriate land uses for the property, to assess potential traffic impacts, to review parking ratios, and to address any compatibility concerns. The most appropriate way to regulate an expanded range of uses on the property will be assessed, and options for consideration include:

- amending the development agreement as it applies to this property (as requested by the owner) or
- discharging the development agreement for the property and applying appropriate zoning to allow as of right development.

Conclusion

Consideration of an amendment to the SPS and LUB to enable a broader range of commercial land uses on the property is appropriate, as the existing building may be able to reasonably house new land uses without significant impact on the surrounding community. Should Regional Council authorize a process to consider such amendments, community engagement will be undertaken to enable public input on the proposal.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the SPS will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units and other levels of governments.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the SPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

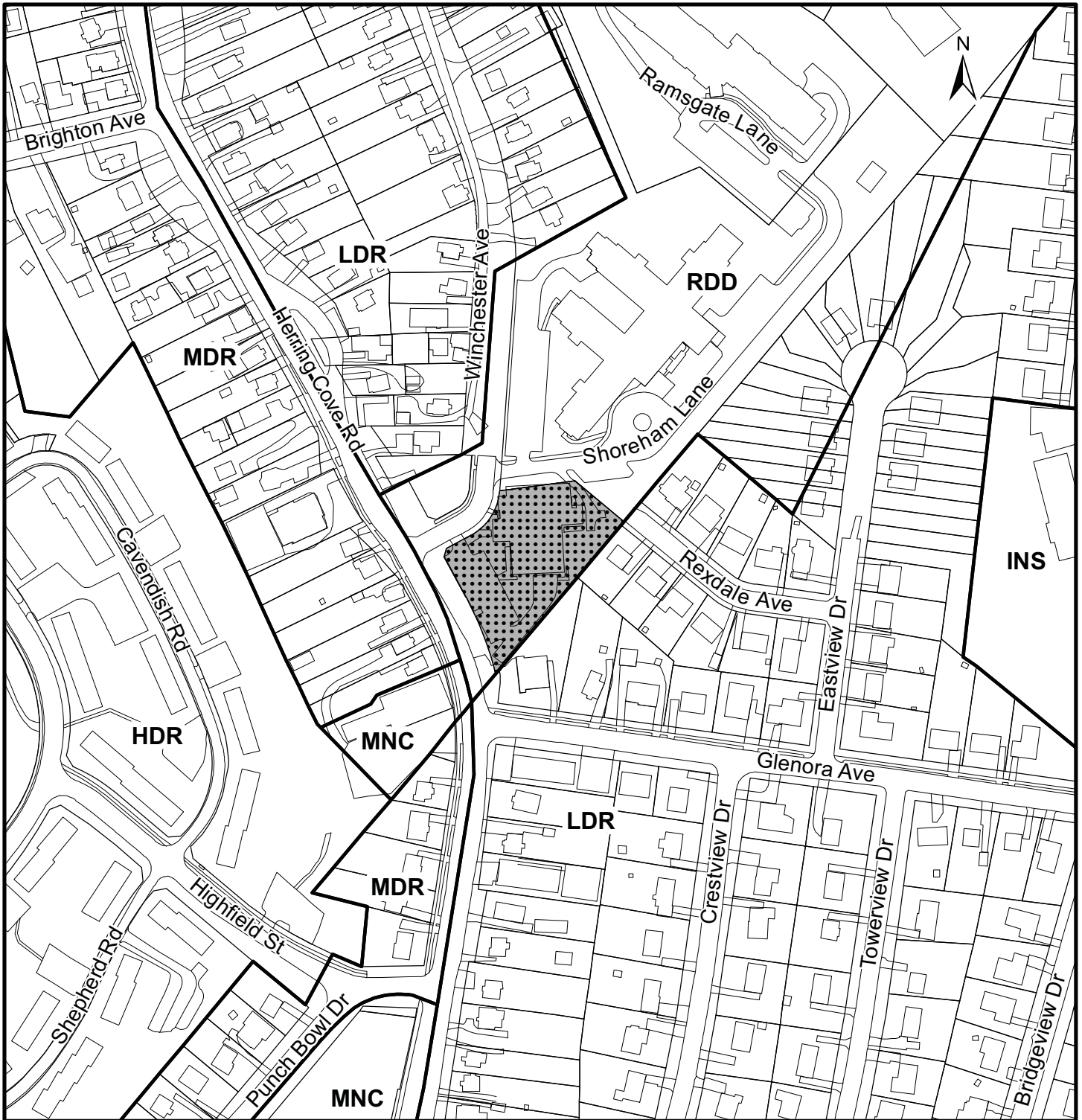
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Application Letter
Attachment B	Preliminary Site Plan
Attachment C	Relevant MPS Policies - Excerpts Mainland South SPS

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Andrew Bone, Senior Planner, 902-490-6743

Report Approved by: _____
Kelly Denty, Manager Development Approvals, 902-490-4800

Report Approved by: _____
Bob Bierke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

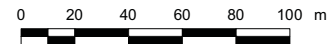
15 Shoreham Lane
Halifax



 Subject Property

Designations

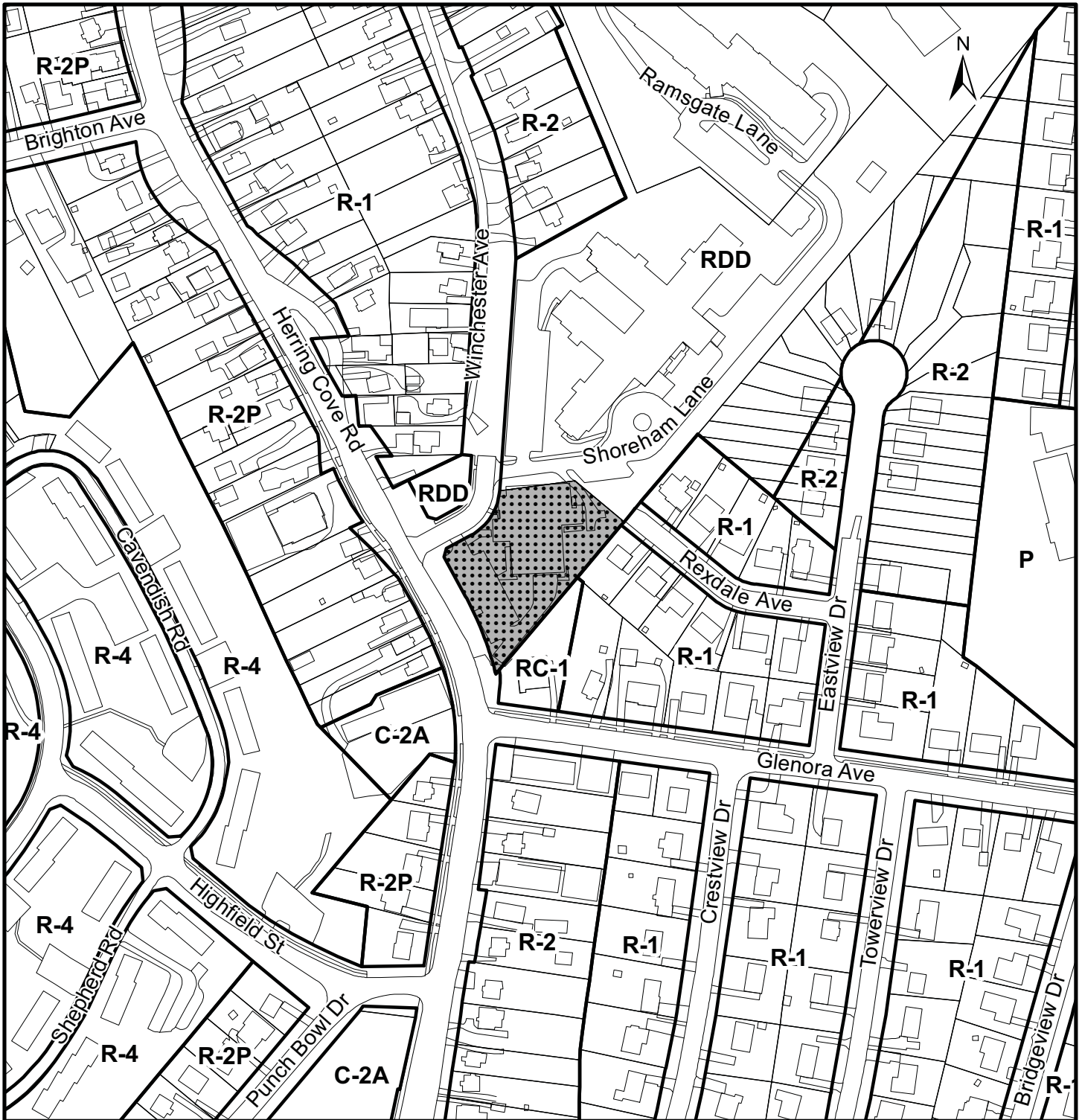
- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- MNC Minor Commercial
- INS Industrial



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Halifax Plan Area
Mainland South Secondary Plan Area



Map 2 - Zoning

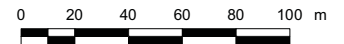
15 Shoreham Lane
Halifax

HALIFAX

 Subject Property

Zones

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- RC-1 Neighbourhood Commercial
- R-4 Multiple Dwelling
- RDD Residential Development District
- C-2A Minor Commercial
- P Park and Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Halifax Mainland
Land Use By-Law Area



October, 27, 2014

Halifax Regional Municipality
P.O. Box 1749
Halifax, N.S.
B3J 3A5

Att: Andrew Bone
Senior Planner

Re: 15 Shoreham Lane, PID # 40416034 (lot E-1)

Dear Sir:

The current Planning Application for 15 Shoreham Lane allows for health care related land use only at this address. The building was constructed as a drug store and walk-in clinic. Cowie Hill Family Clinic moved to Spryfield Shopping Centre in mid 2010, and Lawton's Drug Store moved to Spryfield Shopping Centre in July 2014, leaving more than 10,000 sq. ft. vacant. And we are currently running a 80% vacancy at this location. We have been actively trying to find a health care related business to occupy the vacant space left in this building with no success. We have several request from non-health related , sit down family restaurants to occupy this space, which is not allowed under the current Planning Application or Development Agreement.

Our plan is to relocate Gem Health Care Executive office to this location, this will occupy 5,200 sq.ft. along with the 2,600 sq.ft. training centre in the lower level where we train LPN's and CCA's staff for our own use, plus 2,350 sq. ft. Physio Centre, and 320 sq.ft. Denture Clinic, this is a grand total of 10,470 sq. ft. of health related land use. We have several request for a sit down family restaurant for the remaining 5,200 sq.ft. This would allow family members visiting loved ones living in our nursing homes as well as residents themselves and staff members a place to dine and enjoy near by.

If Planning and Development would consider a Plan Amendment to allow a non health related business to operate at this location, and the Development Agreement to do the same the majority of floor space would remain health care related land use. I would like to point out why these non health related business on this site makes perfect sense, with proximity to Herring Cove Road, and visibility from the Herring Cove Road these non health related business would be allowed on adjacent lands (across Herring Cove Road) which are zoned C-2A.

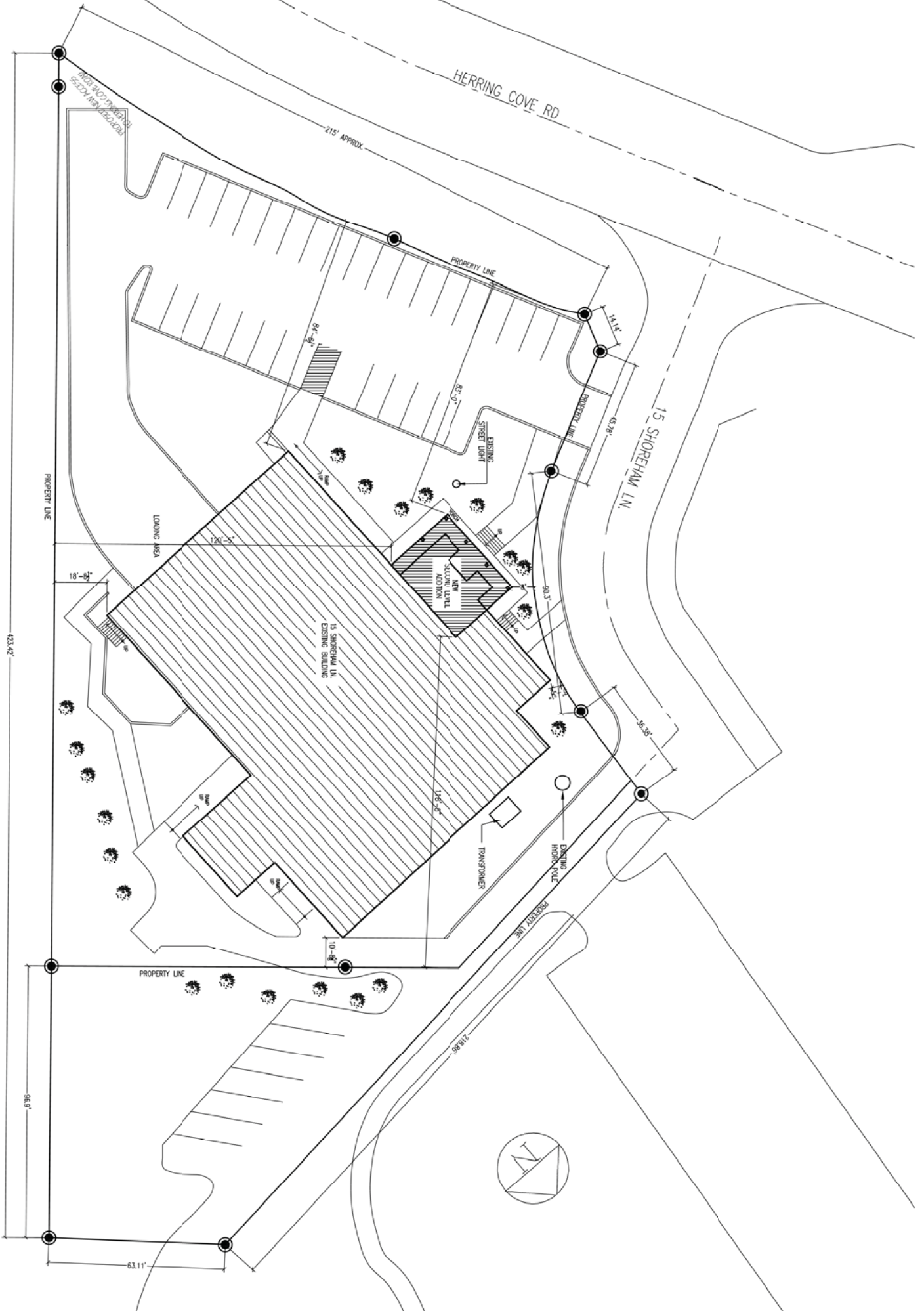
We are asking for your consideration to include a plan amendment as well as a amendment to the current development agreement to allow a non-health care related land use on this site.

Sincerely,

Original Signed

Manager Engineering Dept. and Building Systems

c/c Syed Hussain Gem Health Care Group



Attachment C
Relevant MPS Policies – Excerpts Mainland South SPS

1. RESIDENTIAL ENVIRONMENTS

Objective: The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

1.1.1 "Residential Environments" in terms of this secondary strategy means:

- (a) Low-Density Residential;
- (b) Medium-Density Residential;
- (c) High-Density Residential;
- (d) Residential Development District.

1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.

1.5.1 Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.

1.5.3 For the area designated as "Residential Development District" known as Melville Ridge as shown on Map 1 of Schedule I, the City may by an amendment to the existing development agreement permit a change in use of and/or an addition to the existing building at 15 Shoreham Lane and a sign on Ramsgate Lane near Purcell's Cove Road.

1.5.3.1 Any change in use permitted pursuant to Policy 1.5.3 shall be health care related.

1.5.3.1.1 Any addition permitted pursuant to Policy 1.5.3 shall not include any type of residential accommodation such as but not limited to dwelling units, residential care/retirement facility or nursing home.

1.5.3.2 Any addition permitted pursuant to Policy 1.5.3 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) height
- (iii) setbacks
- (iv) buffering
- (v) access
- (vi) materials
- (vii) lighting

1.5.3.3 Any sign permitted pursuant to 1.5.3 shall be non-commercial in nature.

1.5.3.4 Any sign permitted pursuant to Policy 1.5.3 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) heights
- (iii) setbacks
- (iv) materials

- (v) lighting

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 residential care and retirement facility on Lot 4 Ramsgate Lane. **(RC- Feb 19/08; E- March 29/08)**

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.

1.5.3.5.3 Because certain residences on Melville Avenue are serviced with individual wells, and as any development permitted pursuant to policy 1.5.3.5 could impact on the source of the supply of the said wells, it shall be the intention of council to ensure that an acceptable quality of water in sufficient amounts is maintained by:

- i) Requiring that municipal water be provided to those properties now served by wells except where the owners do not want to connect to municipal water.
- ii) Requiring that municipal water is available prior to any blasting or any other activity on Lot 4 which could effect the supply of well water.
- iii) Requiring that as part of any permit application, the developer supply site development details including methods of excavation, methods of reducing impacts of construction on adjacent residences and the time schedule for construction.
- iv) If deemed necessary, requiring a performance security to ensure that any conditions made pursuant to 1.5.3.5.3(iii) are carried out.

1.5.6.4 Any development permitted pursuant to Policy 1.5.3.5 may be exempt from guideline 8 of Schedule I of this Section provided that adequate measures are taken to ensure water quality and flow are not diminished and that such measures receive approval from the Nova Scotia Department of the Environment.

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.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.

Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space.

8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.

9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.

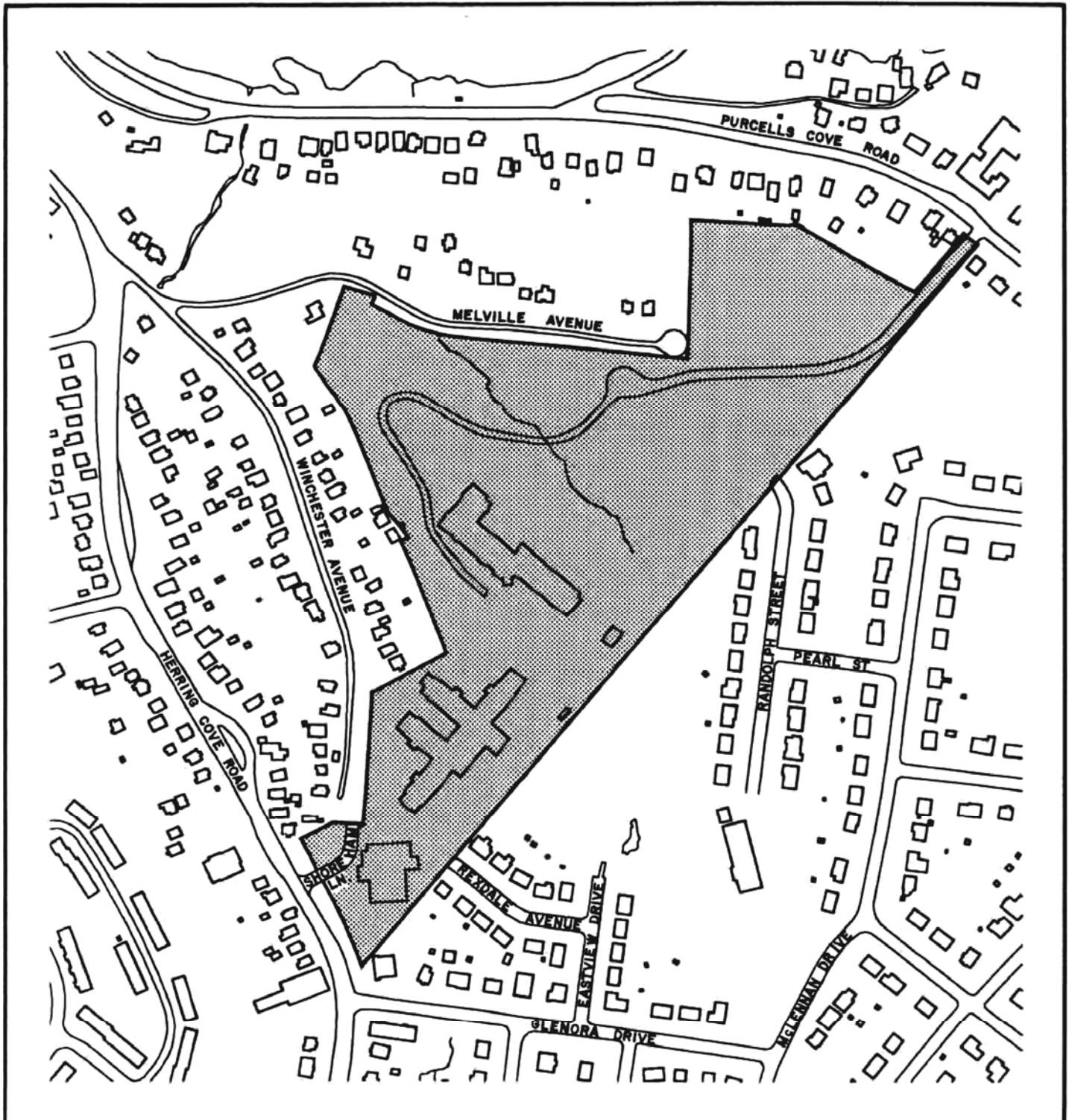
10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.
12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

General

13. The minimum required site size for a contract within this area shall be three acres.
14. Municipal infrastructure must be adequate to service any proposed development.



Mainland South Area Plan

Map 1
Schedule 1

Melville Ridge

 Melville Ridge



N.T.S.

KLW

Approved: 16 June, 1994