
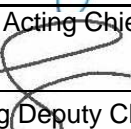


# HALIFAX

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

**Item No. 14.1.5**  
**Halifax Regional Council**  
**May 31, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
John Traves, Q.C. Acting Chief Administrative Officer  
Original Signed by   
\_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** April 20, 2016

**SUBJECT:** **Case 20405: Amendments to the Halifax MPS and LUB, Halifax Grammar School, 915, 921, 945 and 967 Tower Road, Halifax**

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## ORIGIN

Request from Armour Group Limited

## LEGISLATIVE AUTHORITY

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

## RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

1. Initiate the process to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to enable Halifax Grammar School to expand onto land located at 915, 921, 967 and a portion of 945 Tower Road; and
2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

**BACKGROUND**

Armour Group Limited, on behalf of Halifax Grammar School, is applying to amend the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to permit an expansion of the Tower Road campus of the Halifax Grammar School. An MPS amendment is needed because the applicant wishes to expand the existing school building and parking area on lands currently designated Medium Density Residential (MDR) and zoned R-1 (Single Family Residential).

<b>Subject Site</b>	<b>915, 921, 945 and 967 Tower Rd, Halifax</b>
<b>Regional Plan Designation</b>	Urban Settlement
<b>Secondary Plan</b>	South End Area Plan
<b>Community Plan Designation (Map 1)</b>	<b>945 Tower Rd:</b> INS (Institutional) and MDR (Medium Density Residential) under the Halifax Municipal Planning Strategy (MPS) <b>915, 921 and 967 Tower Rd:</b> MDR (Medium Density Residential)
<b>Zoning (Map 2)</b>	<b>945 Tower Rd:</b> P (Park and Institutional) and R-1 (Single Family Dwelling) under the Halifax Peninsula Land Use By-law (LUB) <b>915, 921 and 967 Tower Rd:</b> R-1 (Single Family Dwelling)
<b>Size of Site</b>	8664.8 square metres (93,270 square feet)
<b>Street Frontage</b>	152.6 metres (500.6 feet)
<b>Current Land Use(s)</b>	<b>945 Tower Rd:</b> school, associated parking and recreational space <b>915 and 921 Tower Rd:</b> single unit dwellings <b>967 Tower Rd:</b> vacant
<b>Surrounding Land Use(s)</b>	North: single unit residential development South: single unit residential development East: multiple unit, two unit and single unit development West: institutional development (St. Mary's University)
<b>Heritage</b>	The school at 945 Tower Road is a municipally registered heritage property. An addition to the existing school building will be subject to a separate approval by Regional Council pursuant to the Heritage By-law.

**Proposal**

The applicant wishes to expand the Halifax Grammar School located at 945 Tower Road, Halifax. Attachment A contains the application letter submitted in support of the proposal. General details of the proposed development are as follows:

- Consolidation of 4 properties (subject site) to increase the total lot area of 945 Tower Road from 6,867 square metres (73,916 square feet) to 8,665 square meters (93,269 square feet); and
- Closure of the campus located at 5750 Atlantic Street and a consolidation of students at the Tower Road campus.

This can be accommodated by including the entire subject site within the Institutional designation and the Park and Institutional (P) Zone.

**Centre Plan**

The Halifax Regional Municipal Planning Strategy (RMPS) identifies the "Regional Centre" as the area encompassing the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway. Through the recent review of the RMPS, the adoption of a Regional Centre Plan was confirmed

as a primary objective for the Municipality. The Centre Plan will include the creation of a new Secondary Municipal Planning Strategy (SMPS) for the Regional Centre as well as regulatory and financial tools to ensure that the vision statement and guiding principles endorsed by Regional Council are achieved. The process is underway, with stakeholder and community engagement continuing throughout 2016 and a full slate of public consultations in line with the Centre Plan Engagement Strategy in early 2016. The existing MPS will remain in effect on the Halifax Peninsula until the Centre Plan is finalized and approved, except for certain site specific MPS amendment applications that may be considered in the interim.

## **DISCUSSION**

### **Municipal Planning Strategy Amendments**

The Halifax MPS is a strategic policy document which sets out the goals, objectives and direction for the community's long term growth and development. 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 applicant has provided the following rationale for the consideration of the proposed amendments:

- The current Institutional designation and P (Park and Institutional) zone have a finite land area which restricts Halifax Grammar School's institutional expansion and amalgamation opportunities;
- The current MPS did not conceive that Halifax Grammar School would dispose of its Atlantic Street property in pursuit of an amalgamated campus;
- The Tower Road campus is the preferred home of Halifax Grammar School, given its historical and heritage features;
- HRM's heritage design guidelines and LUB regulations, including a 35 foot maximum height, will ensure compatibility with surrounding land uses; and
- The subject properties are located across the street from Saint Mary's University, where there are several high-intensity institutional uses.

### **Staff Review**

Staff has reviewed the submitted rationale in context of the site circumstances and surrounding land uses. There is merit to considering the proposal to expand the existing Tower Road campus as outlined by the Applicant. In addition, the MPS contains policies that are supportive of the retention of existing institutional facilities and heritage resources (Attachment B). These will need to be considered against the residential designation policies of the MPS. A full review would consider a number of items, including:

- a complete review of the MPS;
- the proposed siting and the size of the building;
- compatibility with adjacent land uses; and
- traffic impact.

### **MPS Amendments within Centre Plan Study Area**

As stated in the Background section, the subject site is located within the Centre Plan study area. At this time, HRM has a number of other MPS amendment applications within this area. Each of these are multiple dwelling units or mixed use development projects that exceed the current zone requirements that apply to them. These applications pose challenges to consider while the Centre Plan is underway as the project seeks to determine the intensity and location of development that may be suitable for multiple dwelling unit or mixed use development projects. In this case, the applicant's proposal is unlike other MPS amendment applications that have been made to HRM, in that it involves a change in designation for an institutional use that is already in existence. The proposed expansion of the school is a local detailed matter that can be addressed independently of the Centre Plan Project.

### **Heritage Registration**

The Halifax Grammar School is a municipally registered heritage property. Should Regional Council approve the proposed amendments to the MPS and LUB, the building addition will require a review by the Heritage Advisory Committee (HAC) and approval by Regional Council.

### **Conclusion**

Staff have reviewed the proposal and find that there is merit to consider potential amendments to the MPS that will be achieved through a detailed review process that will include public consultation.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with this planning application can be accommodated within the approved 2016/17 operating budget for C310 Urban & Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this report. This application involves proposed amendments to a Municipal Planning Strategy. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Other information about the risks and other implications of adopting any amendments are contained within the Discussion section of this report.

### **COMMUNITY ENGAGEMENT**

Should Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program when considering any amendment to an MPS. 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 be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement would be 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 MPS and LUB would potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are 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 Halifax MPS 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    Excerpt from the Halifax Municipal Planning Strategy (MPS)

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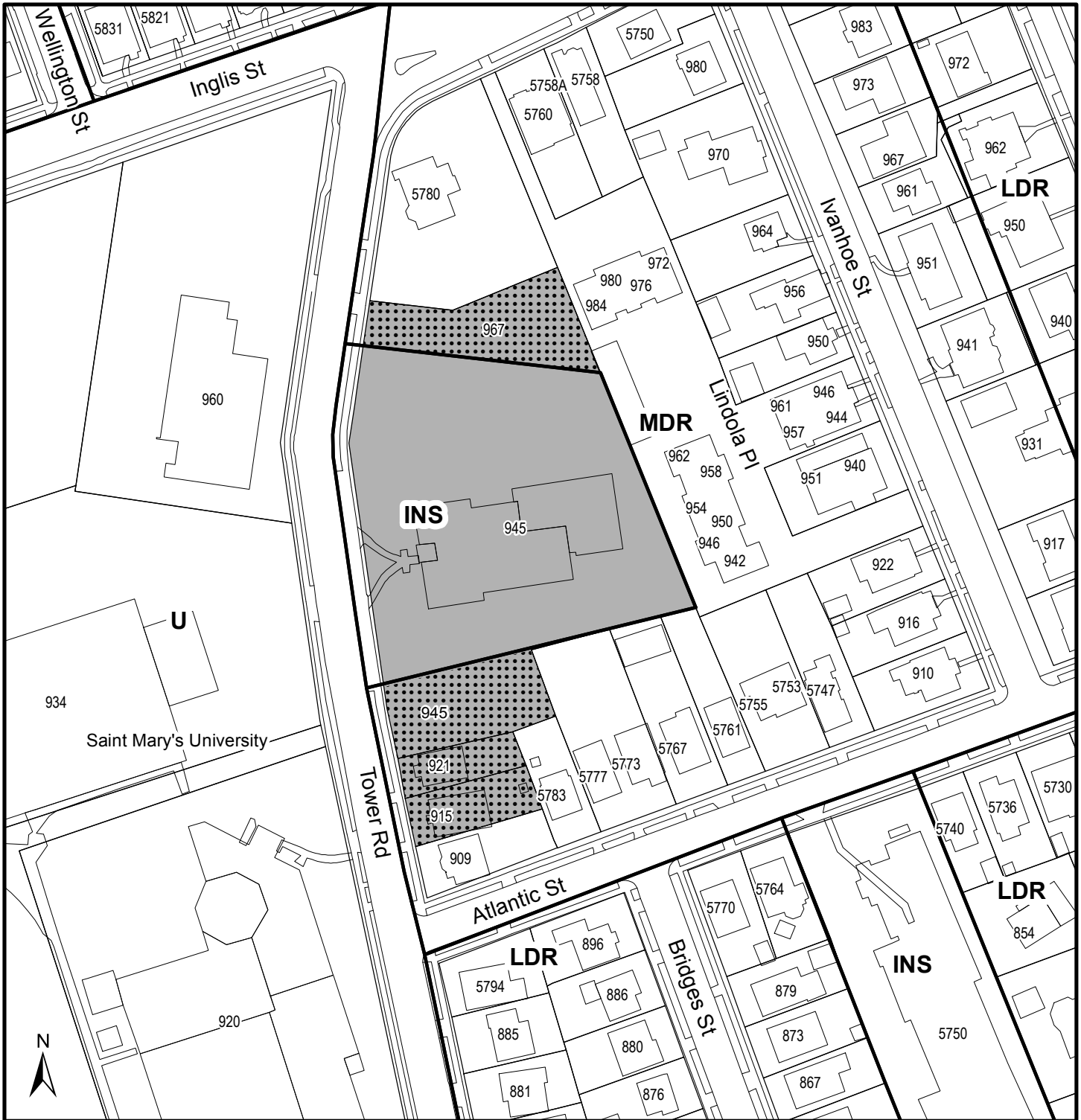
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by:    Tyson Simms, Planner I, 902.490.6983

Report Approved by:    \_\_\_\_\_  
   Kelly Denty, Manager, Current Planning, 902.490.4800

Report Approved by:    \_\_\_\_\_  
   Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627

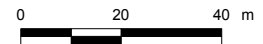
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**Map 1 - Generalized Future Land Use**

915, 921, 967, & Portion of 945 Tower Road,  
Halifax

**HALIFAX**



Subject Properties



Areas proposed to be redesignated  
from MDR (Medium Density Residential)  
to INS (Institutional)

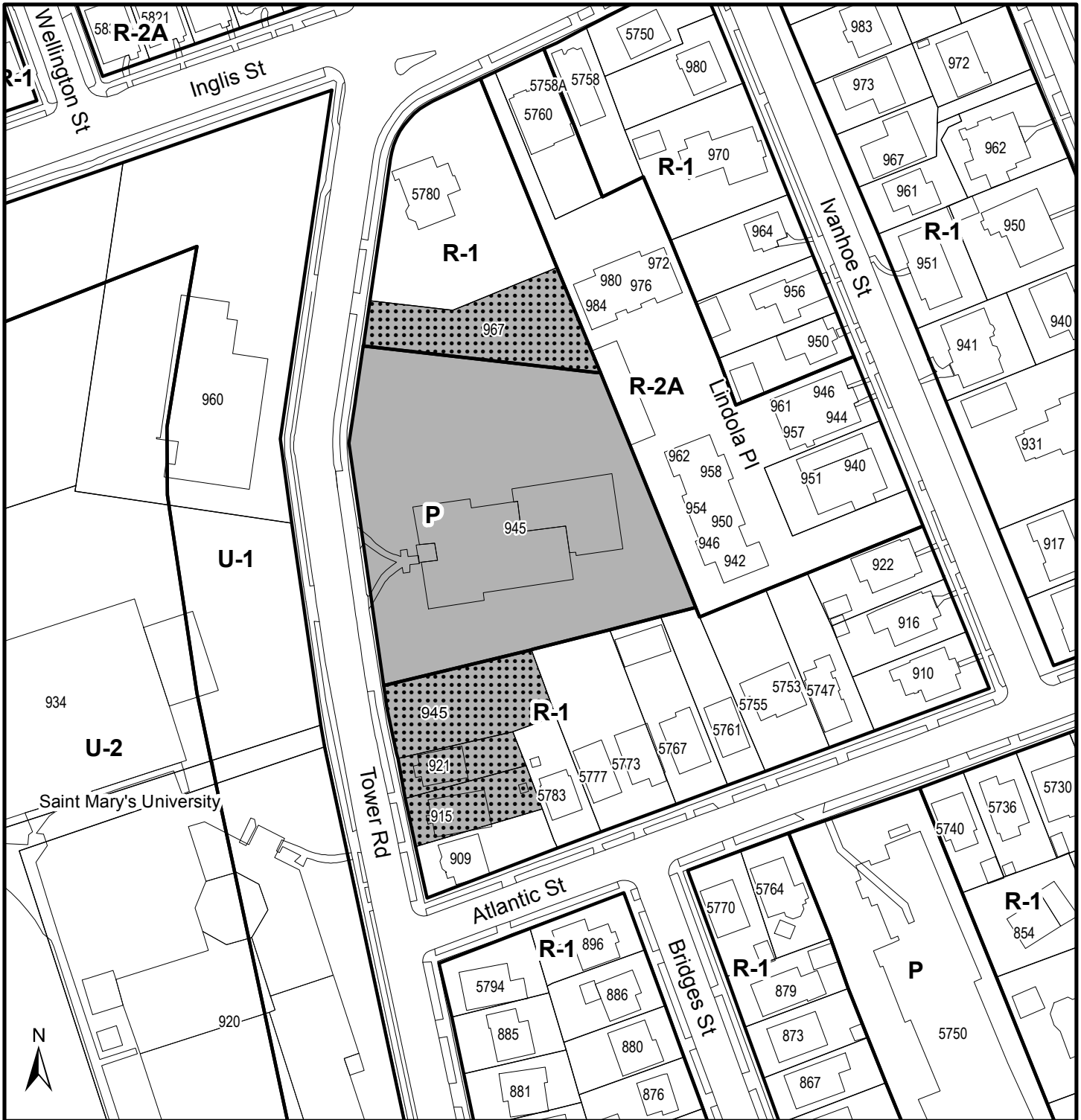
**Designation**

- LDR Low Density Residential
- MDR Medium Density Residential
- U University
- INS Institutional

Halifax Plan Area  
South End Area Plan Area

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.



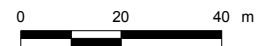
### Map 2 - Zoning

915, 921, 967, & Portion of 945 Tower Road,  
Halifax

**HALIFAX**

- Subject Properties
- Areas proposed to be rezoned from R-1 (Single Family Dwelling) to P (Park and Institutional)

- Zone**
- R1 Single Family Dwelling
  - R-2A General Residential
  - P Park and Institutional
  - U-1 Low-Density University
  - U-2 High-Density University



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 Peninsula  
Land Use By-Law Area

## Attachment A - Application Letter



# HALIFAX GRAMMAR SCHOOL

### MUNICIPAL PLANNING STRATEGY & LAND USE BY-LAW AMENDMENT APPLICATION:

Application to enable 'Institutional' uses on lands designated 'Medium Density Residential' to accommodate a school expansion

**APPLICATION SUBMITTED TO:**  
HALIFAX | Planning Approvals  
40 Alderney Drive, 2<sup>nd</sup> Floor  
Halifax, NS B3J 3A5

**APPLICATION SUBMITTED BY:**  
Halifax Grammar School  
945 Tower Road  
Halifax, NS B3H 2Y2

February 10, 2016



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### APPENDICES – Property Surveys

**Inito ad Discendum / Exito ad Serviendum  
Enter to Learn / Go Forth to Serve**





## INTRODUCTION

As a leading independent school, Halifax Grammar School (HGS) is focused on developing a school consistent with the best practices of 21<sup>st</sup> Century Learning Models, including flexible and engaging teaching and gathering spaces, while maintaining the architectural and historical integrity of the site. In order to accomplish this vision, HGS recognizes the need to improve their facilities and build a 'Campus of the Future', which is intended to be located at the current Tower Road site. However, the existing building's aging infrastructure and limited physical space does not support this vision without significant renovations, including an expansion. Following years of capital campaigns and HGS Board approval, the time has now come to begin the process of building the future Campus.

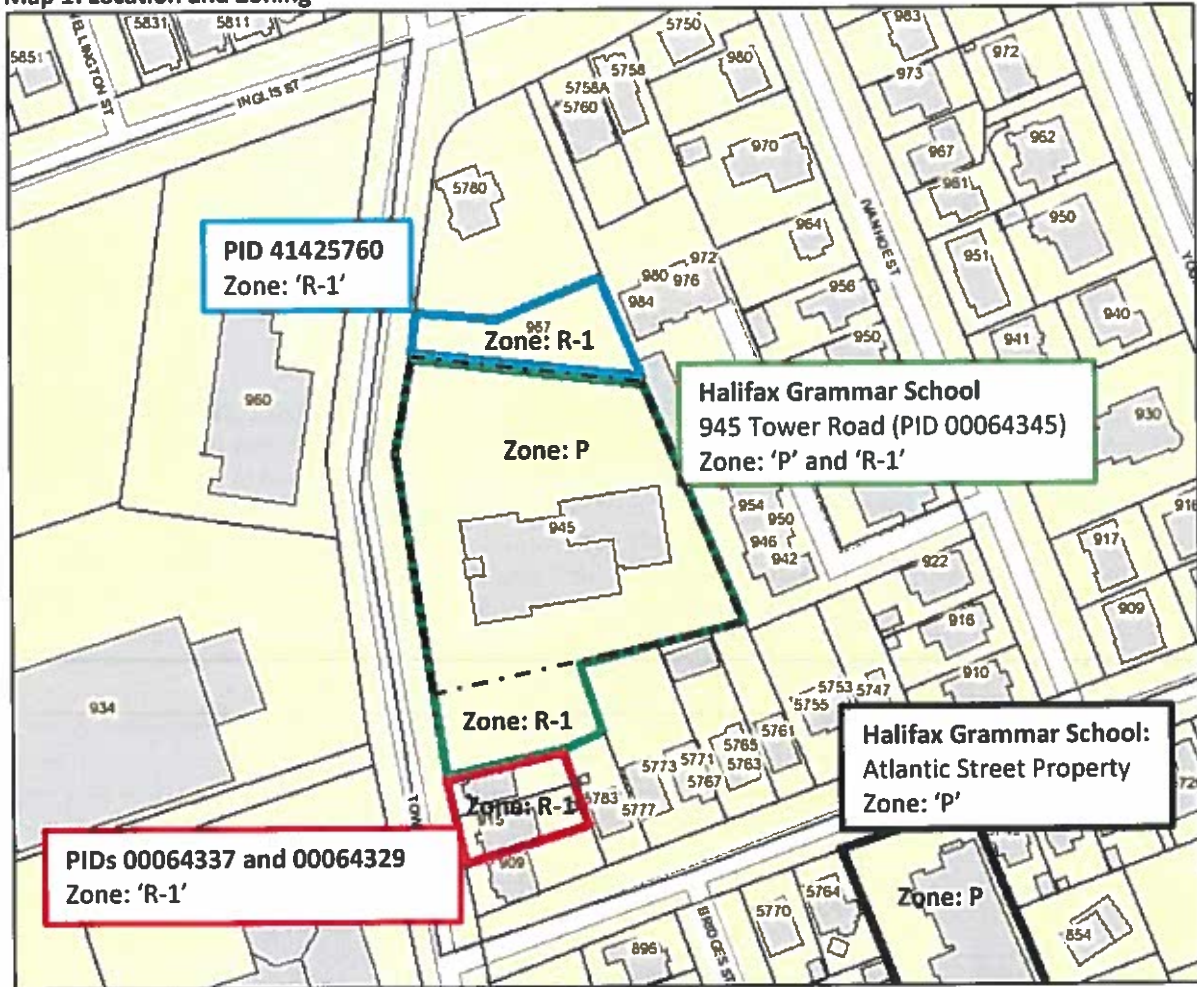
## BACKGROUND

An application has been submitted by HGS to amend the Halifax Municipal Planning Strategy (MPS) and the Halifax Land Use By-Law (LUB) to enable an expansion at the HGS Middle-School located at 945 Tower Road (PID 00064345). In order to accommodate HGS's expansion, additional lands are required to the north and south of the existing property; however, the lands to the north and south (including a small portion of 945 Tower Road) are neither designated nor zoned correctly to support institutional uses and, as such, amendments to both documents are necessary to enable the expansion. Table 1 and Map 1 below outline and depict the policies and regulations currently applicable to the properties north and south of the existing HGS building.

**Table 1: Location, Designation, Zoning and Surrounding Uses**

<b>Existing School Property</b>	<b>945 Tower Road (PID 00064345)</b>	
Lot Area	73,916 sq.ft. (6,867 sq.m.)	
Lot Frontage	381 ft. (116.2 m)	
Current Use	Institutional: Halifax Grammar Middle-School	
Designation	Split Designation: 'MDR – Medium Density Residential' and 'INS – Institutional'	
Zoning	Split Zone: 'R-1 – Single Family Dwelling' and 'P – Park and Institutional'	
<b>North Property</b>	<b>967 Tower Road (PID 41425760)</b>	
Lot Area	10,632 sq.ft. (987.7 sq.m.)	
Lot Frontage	40 ft. (12.2 m)	
Current Use	Vacant	
Designation	'MDR – Medium Density Residential'	
Zoning	'R-1 – Single Family Dwelling'	
<b>South Properties</b>	<b>921 Tower Road (PID 00064337)</b>	<b>915 Tower Road (PID 00064329)</b>
Lot Area	4,240 sq.ft. (393.9 sq.m.)	4,480 sq.ft. (416.2 sq.m.)
Lot Frontage	40 ft. (12.2 m)	40 ft. (12.2 m)
Current Use	Single Family Dwelling	Single Family Dwelling
Designation	'MDR – Medium Density Residential'	
Zoning	'R-1 – Single Family Dwelling'	
<b>Common Planning Documents and Surrounding Land Uses</b>		
Community Plan	South End Area Plan, Halifax MPS (Section V)	
Land Use By-Law	Halifax Peninsula	
Surrounding Uses	North: Single Family Dwellings (R-1 Zone) South: Single Family Dwellings (R-1 Zone) East: Townhouses and Single Family Dwellings (R-2A and R-1 Zones) West: St. Mary's University (U-1 and U-2 Zones)	

**Map 1: Location and Zoning**



### Proposed Details

Currently, HGS occupies two buildings: the Tower Road Campus near the corner of Inglis Street and the Atlantic Street Campus which is just around the corner from the Tower Road site (see Map 1). It is HGS's intent, subject to normal variables, to dispose of the Atlantic Street property and consolidate the school at the Tower Road site. In order to facilitate this, HGS has spent the last several years purchasing additional lots around the school for this project, cumulating last September (2015) with the purchase of a larger parcel to the north of the Tower Road Campus (967 Tower Road, PID 41425760). HGS now has the necessary land area to begin the expansion project.

In order to begin development, however, the surrounding lots (including a portion of PID 00064345) need to be re-designated and re-zoned from 'MDR' and 'R-1' to 'INS -Institutional' and 'P - Park and Institutional', respectively. At this time, it is assumed that the majority of the building expansion will occur to the north of the existing structure, while the lands to the south will be used for school-related open space uses, such as parks and playgrounds.



## DISCUSSION

### Policy Review

Site specific MPS amendments should be considered only in cases where it can be clearly demonstrated that the property(ies) is of such a unique character, or that the circumstances under which policy was originally conceived has changed to such an extent, that recognizing this circumstance in policy is appropriate. With respect to the above considerations, we offer the following rationale for the requested amendments:

- The current 'INS' designation and 'P' zone (which are site-specific in nature) have a finite land area which restricts HGS's institutional expansion and amalgamation opportunities
- The current MPS did not conceive that HGS would dispose of its Atlantic Street property in pursuit of an amalgamated campus
- The Tower Road campus is the preferred home of HGS, given its historical and heritage features
- The heritage design guidelines and the LUB ('P' zone) regulations, including a 35 foot height limit, will ensure compatibility with surrounding land uses when building plans are submitted
- The properties are across the street from St. Mary's University, where there are several high-intensity institutional uses

### MPS Policy

According to Section II of the MPS, "City-Wide Objectives and Policies", Policies 5.1 and 5.2 encourage the upgrade of existing institutional uses in appropriate locations:

- 5.1 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.**
- 5.2 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.**

With regards to Policy 5.1, the HGS Tower Road building is one of Halifax's most recognizable historical buildings, which is reflected by its status as a registered Municipal Heritage Property. Unlike HGS's Atlantic Street property, which has little to no heritage value, the Tower Road location has recognizable civic value that should be maintained, upgraded and protected. The Tower Road building is a physical bastion and symbol of education, and it should be reasonably understood to be the ideal and logical centralize location for HGS.

With regards to Policy 5.2, the Tower Road site is currently generally designated 'INS' on Map 9 of the MPS and is located directly across the street from St. Mary's University. An expansion of the 'INS' designation on lands owned by HGS, adjacent to existing HGS facilities, and across the street from one of Halifax's major university campuses, is a reasonable location to encourage additional institutional development. An amendment to the MPS and LUB to enable 'INS' uses subject to 'P' zone standards, in an area heavily influenced and surrounded by high-intensity institutional uses, should be considered appropriate land development.

### LUB Regulations

Further to the policy considerations outlined above, institutional development on lands zoned 'P' are required to abide by the built-form requirements of the 'R-3' (Multiple Dwelling) zone. The R-3 zoning regulations are designed to protect and mitigate adverse effects on neighbouring areas, which include height, angle control and building setback rules. Additionally, the subject properties identified in this application are all regulated by a 35 foot height precinct which is intended to protect the nearby low-rise residential areas.

## Heritage Implications

The existing HGS Tower Road structure, located at 945 Tower Road (PID 00064345), is a registered Municipal Heritage Property. As such, any future building alterations or expansions will be required to abide by HRM's heritage guidelines and application procedures. Although not directly part of this Plan Amendment process, the Heritage Advisory Committee and Regional Council will be responsible for reviewing and approving any final building designs which impact the existing structure. Coupled with the 'P' / 'R-3' zoning requirements and the 35 foot height restriction, any future development or expansion which impacts the existing heritage property will require a detailed application process that will protect both the historical significance of the site and the neighbouring residential areas from encroachment and nuisance effects.

## Environmental Implications

There are no environmental implications associated with this application.

## Process

Given the recent changes in ownership, as well as in lieu of the disposal process of HGS's Atlantic Street site, the subject properties are currently inappropriately designated and zoned within the MPS and LUB documents, respectively. Therefore, the HGS recommends that Regional Council initiate the MPS and LUB amendment process.

Should Regional Council decide to initiate this application, the community engagement process used would be consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement would be consultation, achieved through a public information meeting hosted by the Districts 7 & 8 Planning Advisory Committee. Notices of the public information meeting will be posted on the HRM website, in the newspaper, and mailed to property owners within a notification area to be determined.

A public hearing must be also be held by Regional Council before they can consider approval of any amendments to the MPS and LUB or the approval of a development agreement by Community Council. Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, nearby property owners will be notified of the hearing by regular mail. The proposed development may impact local residents, institutions and property owners on Tower Road, Inglis Street, Atlantic Street, and adjacent residential uses.

Additionally, Heritage Staff, the Heritage Advisory Committee, as well as members of the public will work to identify the appropriate design controls prior to any development or building approval.

## CONCLUSION

We look forward to working with HRM Staff, Regional Council and members of the public throughout this application process. Should you have any questions or comments with regards to this application, please do not hesitate to contact the undersigned.

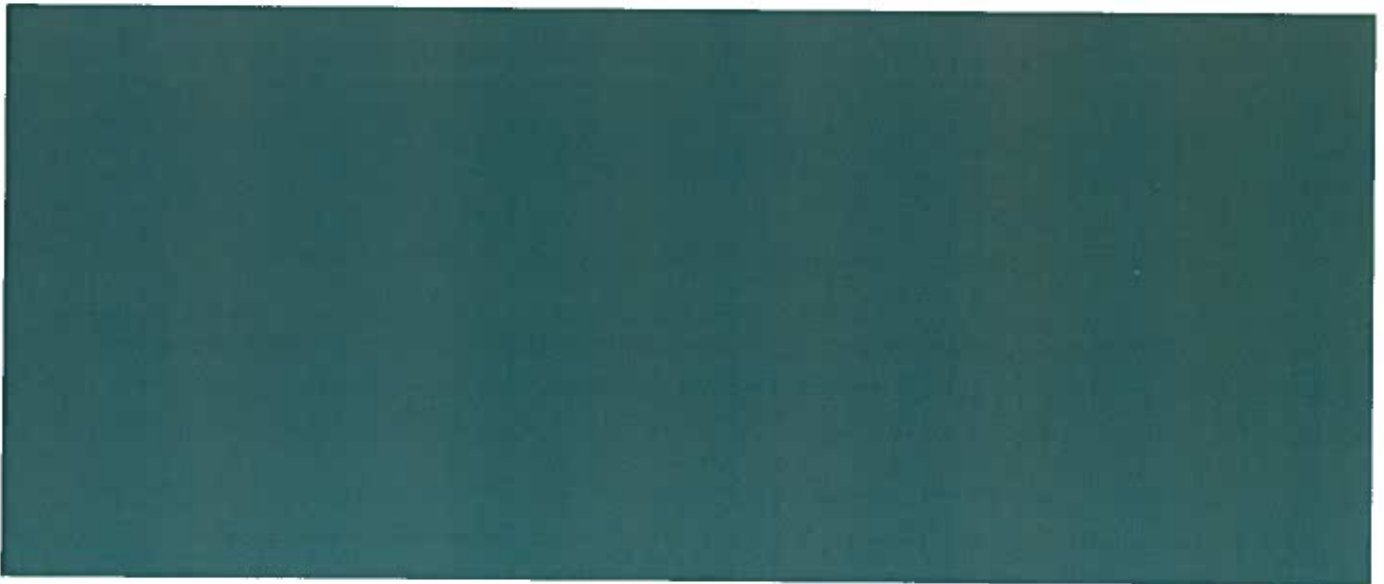
Respectfully,  
**Original Signed**

Blayne Addley / Headmaster  
Halifax Grammar School

945 Tower Road | Halifax, NS | B3H 2Y2  
www.hgs.ns.ca



## APPENDICES – Property Surveys



**Attachment B**  
**Excerpt from the Halifax Municipal Planning Strategy (MPS)**

**SECTION II CITY-WIDE OBJECTIVES AND POLICIES**

**5. INSTITUTIONS**

Objective: The enhancement of employment opportunities by encouraging existing and potential institutional uses in appropriate locations.

- 5.1 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.
- 5.2 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.
- 5.3 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.

**SECTION V SOUTH END AREA PLAN**  
**OBJECTIVES AND POLICIES**

**4. INSTITUTIONS**

Objective: The encouragement of institutional uses in specified areas.

- 4.1 For the purposes of this Plan, the City shall consider institutional uses as including three types, as follows:
  - (i) "Major Institutional Uses" serving primarily City-wide or regional needs;
  - (ii) "Local Institutional Uses" serving primarily the adjacent community; and
  - (iii) "Universities".
- 4.2 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.
- 4.3 The development of major institutional uses shall be permitted in the areas designated "Institutional" on the Future Land Use Map of this Plan.
  - 4.3.1 The City shall pay particular attention in major institutional areas to requirements for building scale, proportion and setback so as to ensure that compatibility with adjacent non-institutional areas is fostered.

**5. HERITAGE RESOURCES**

- 5.1 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the South End area consonant with the City's general policy stance on heritage preservation (See Section II, Policy Set 6).