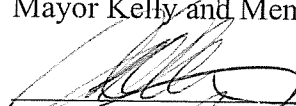
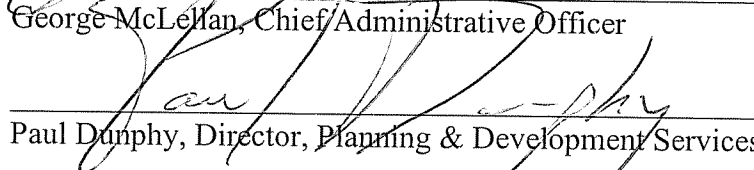


Halifax Regional Council  
December 10, 2002

**To:** Mayor Kelly and Members of Regional Council

**Submitted by:**   
George McLellan, Chief Administrative Officer

  
Paul Dunphy, Director, Planning & Development Services

**Date:** November 22, 2002

**Subject:** Case 00479: Amendment to the MPS and LUB for Eastern Passage/Cow Bay

---

#### STAFF REPORT

#### ORIGIN:

An application by Terry Morash to amend the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to permit commercial uses on the former Tallahassee Primary School property at 86 Cow Bay Road, Eastern Passage.

#### RECOMMENDATION:

It is recommended that Halifax Regional Council:

- Initiate a process to amend the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law to designate 86 Cow Bay Road (the former Tallahassee Primary School) Community Commercial and rezone it C-2 (General Business) zone; and
- Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

## **BACKGROUND**

### ***Overview***

The subject property is located at 86 Cow Bay Road, Eastern Passage, and is the site of the former Tallahassee Primary School. The property is approximately 3 acres in size and contains a single building with approximately 10,800 sq feet of floor area.

In November 1999, Halifax Regional School Board declared Tallahassee Primary School surplus. As owners of the property, HRM sold the property to Terry Morash and John MacPherson ("as is", "as zoned") under Tallahassee Holdings Limited in May 2002. Subsequent to acquiring the property, Tallahassee Holdings Limited have leased a portion of the building to Periwinkle's Child Care Centre in accordance with existing zoning provisions. The remainder of the building remains unoccupied.

### ***Requested Amendment***

Tallahassee Holdings Limited purchased the property with the intention of renovating the existing school and improving the site to permit commercial uses. The property is situated adjacent the community's commercial centre, commonly known as Quigley's Corner. The site is within walking distance of Fisherman's Cove and several community businesses. Thus, Tallahassee Holdings Limited is requesting that the property be redesignated from Community facility to Community Commercial and zoned C-2 (General Commercial) to permit opportunity for a range of local business uses.

### ***Plan Policy / Zoning***

The property is currently designated Community Facility (Map 1) and zoned P-2 (Community Facility) (Map 2). The present zoning permits institutional and open space uses such as schools, day cares, museums, libraries, parks and playgrounds, etc. The P-2 Zone prohibits commercial land uses and the Community Facility designation does not permit land, within the designation, to be rezoned for commercial uses.

## **DISCUSSION**

The Community Facility designation has "been applied to lands in Eastern Passage which are currently used for, and/or have a potential for the development of major institutional and other community-supporting facilities". The former Tallahassee School property is no longer needed or used for educational purposes.

### ***Criteria for Considering a Plan Amendment***

To determine whether a plan amendment is justified, staff usually considers:

- whether the proposal is consistent with the overall intent and vision for the area; and

- if changing circumstances warrant a further review of this issue.

In this case, the Community Facility Designation is intended to promote healthy community spirit and recognize the importance of community facilities. The MPS supports the growth of community uses throughout the Plan Area but does not intend to confine institutional uses to predefined locations. However, certain properties and uses have been specifically designated Community Facility to reflect their current use and safeguard existing and future community uses. The Community Facility designation was applied to the Tallahassee School property to reflect its use as a school.

The subject property is no longer used as a school or owned by HRM. The closure of the school and disposal of the lands was not anticipated by the MPS. The Community Facility designation applied to the property no longer reflects its present or future use. Therefore, Council should consider redesignating the site.

In Eastern Passage, there is a desire to maintain the traditional character that exists in the community's commercial centre, The scale and scope of this commercial core is compact, responding to the pedestrian-oriented nature of the village. The subject property represents a logical extension to the existing commercial area. Due to the property's location adjacent to the community's commercial centre, direct access to Cow Bay Road and the existence of a large, underutilized building, staff support consideration of the site for general commercial use. In addition, staff recognize that it is important to encourage development that is:

- in keeping with the desire of the community;
- appropriate to the growth of a local business for the Plan area; and
- compatible with existing adjacent residential, commercial and community uses.

Thus, if authorized by Council to initiate a process to amend the MPS and LUB to permit commercial development on this property, staff will examine these issues and investigate the benefits of subjecting this property to site-plan approval. This development control mechanism is sometimes employed to guide a property's site improvements (i.e. parking facilities, access, landscaping, screening, pedestrian access, signage, etc.) in order to facilitate social and physical integration within the overall community and may be appropriate in this instance.

### ***Conclusion***

Staff recommend that Council authorize initiation of the plan amendment process for the subject property for the following reasons:

- School Board declared the property surplus as it is no longer used for educational purposes;
- HRM has sold the property to a private individual;

- the closure of the school and disposal of the lands was not anticipated by the Plan;
- the property abuts the community commercial core and other commercial uses; and
- the property has direct access to Cow Bay Road

Should Council not accept staff's recommendation, Tallahassee Holdings Limited would be permitted to continue to operate and develop the property under the conditions of the P-2 Zone.

### **BUDGET IMPLICATIONS**

None.

### **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

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

### **ALTERNATIVES**

The following alternatives are identified :

1. Regional Council may wish to follow the staff recommendation and initiate a process to amend the MPS and LUB for Eastern Passage/Cow Bay to apply the Community Commercial designation and the C-2 Zoning to the former Tallahassee School property at 86 Cow Bay Road.
2. Alternatively, Regional Council may choose not to initiate the amendment process to permit commercial development of the subject site. This is not the recommended course of action for the reasons stated previously.

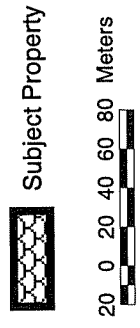
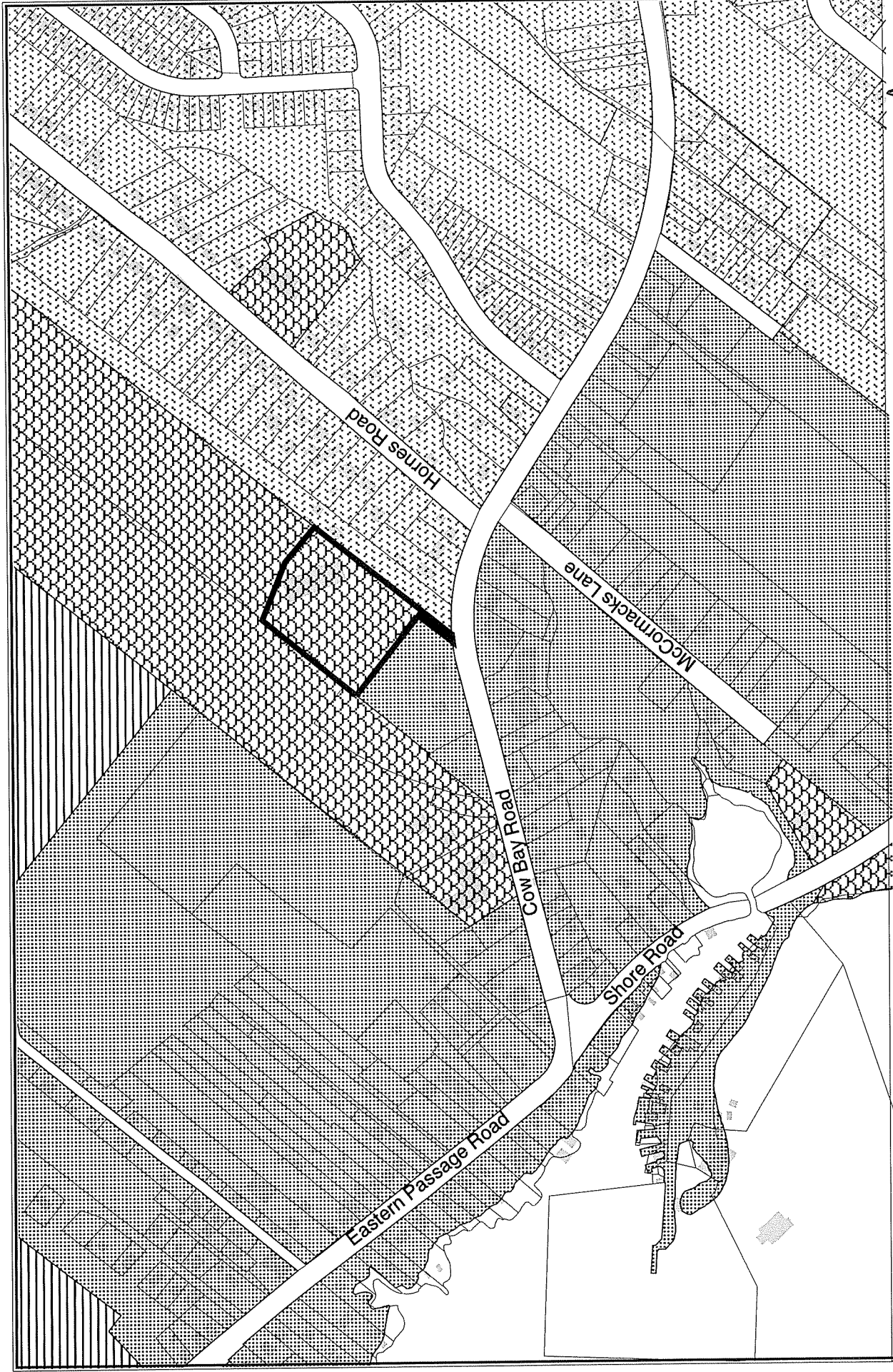
### **ATTACHMENTS:**

Map 1: Generalized Future Land Use

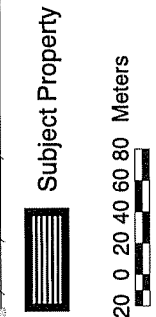
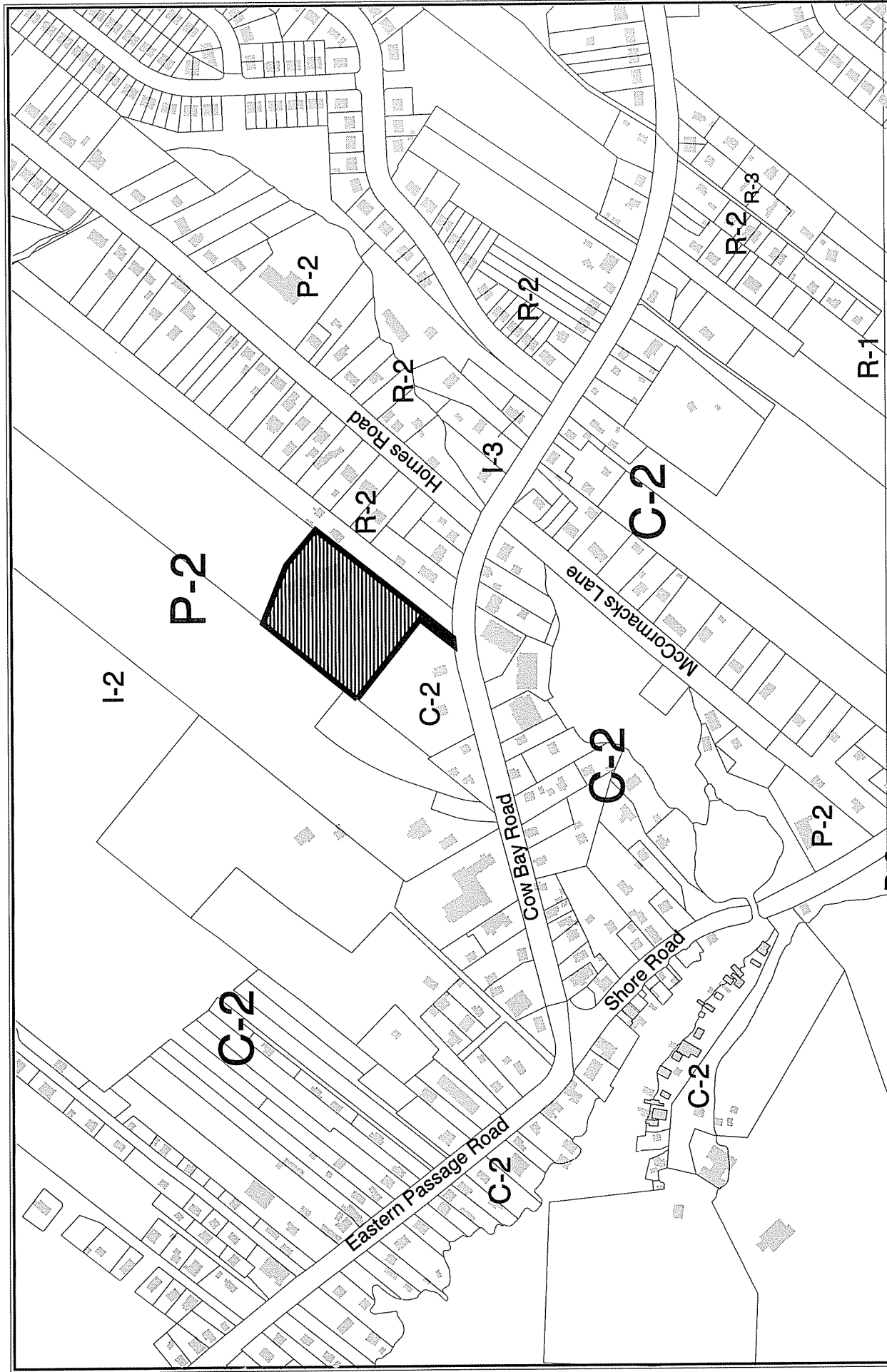
Map 2: Zoning

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: John MacPherson, Planner I 490-4181



**Map 1**  
**86 Cow Bay Road**  
**Generalized Future**  
**Land Use Map**



- C-2 General Commercial
- P-2 Community Facility
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- I-3 Local Service
- I-2 General Industry

**Map 2**  
86 Cow Bay Road  
**Zoning Map**