

HALIFAX

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

Item No. 14.1.1
Halifax Regional Council
February 13, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: January 23, 2018

SUBJECT: **Case 21379: Municipal Planning Strategy and Land Use By-law
Amendments for Planning District 4 (Prospect) to allow a church at 797
Prospect Road, Goodwood**

ORIGIN

Application by Atakaliti Mulu and Felekech Woldehana.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Municipal Planning Strategy for Planning District 4 (Prospect) to allow a church at 797 Prospect Road, Goodwood; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

Atakaliti Mulu and Felekech Woldehana are applying to allow the development of a church at 797 Prospect Road, Goodwood. This proposal cannot be considered under existing policies and, therefore, the applicants are seeking amendments to the Municipal Planning Strategy (MPS) for Planning District 4 (Prospect).

Subject Site	797 Prospect Road, Goodwood
Location	Planning District 4 (Prospect)
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential B
Zoning (Map 2)	RB-1 (Residential B-1)
Size of Site	1,155 square metres (12,433 square feet)
Street Frontage	15.24 metres (50 feet) along Prospect Road
Current Land Use(s)	Residential
Surrounding Use(s)	A vacant property is on both sides of the subject site. Residential uses are south and west of the site. North of the site are commercial and industrial uses (Goodwood Industrial area). East of the site is the Long Lake Provincial Park.

Proposal Details

The applicants propose to host church services at the subject property. A church is a denominational use under the Land Use By-law for Planning District 4 (Prospect). The owners purchased the subject property with the intent of using it as a church based on preliminary information provided by staff. However, upon a full review of municipal regulations, it was later determined that denominational uses are not permitted under the current Residential B-1 (R-B1) zoning. Staff explored a full range of procedural options to meet the owners needs and the only appropriate alternative is to consider a site-specific MPS amendment to allow denominational uses on this property.

MPS and LUB Context

The subject property is designated Residential B under the MPS and zoned RB-1 under the LUB for Planning District 4 (Prospect). The intent of this designation and zone is to enable low density housing, home business and open space uses with some integration of additional compatible uses including community facility and institutional uses.

Council should note that, under Policy RB-7 of the MPS, Community Council could consider the proposed denominational use by simply rezoning the property to the P-2 (Community Facility) Zone. However, that option is not available in this case since the subject property does not meet the minimum lot requirements of the P-2 Zone. Since there are no other enabling policies in the MPS to consider the proposed use, a site specific MPS amendment is required.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendments to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendment(s):

- When the property was purchased, the applicant was advised that denominational uses were permitted on the subject property;

- The site was affordable and in proximity to where the congregation resides;
- The congregation is small and needs a place for worship and fellowship; and,
- There is policy in the MPS to consider rezoning the site for denominational uses.

Attachment A contains an excerpt of the applicant's application letter.

Review

Staff have reviewed the submitted rationale in the context of site circumstances, surrounding land uses and existing planning policy. Staff advise there is merit to the request primarily because an enabling policy already exists allowing rezoning of the lot to the P-2 (Community Facility) zone. The only reason this option is not available is because the subject lot does not meet the minimum size requirements. Council cannot consider the proposed use without a plan amendment to allow a lot size exemption for this specific use.

Existing Lot Size

The subject lot was created by de facto consolidation on September 25, 2013. This process allows consolidation of lots that were held separately in common ownership and used together prior to April 15, 1987. Prior to the consolidation, the lots existed as undersized lots prior to the adoption of the Planning District 4 (Prospect) land use by-law. The consolidation in 2013 combined a vacant lot with another lot containing an existing dwelling. The resultant consolidated lot increased in size and therefore reduced the negative impacts of the undersized parcels to some extent. However, the consolidated lot still does not meet the minimum area and frontage requirements of the RB-1 Zone and the P-2 Zone. While a development permit can be issued for permitted uses on an undersized lot, there is no capacity to rezone the lot to allow additional uses previously not permitted such as the denominational use (Church).

Compatibility

The subject site is currently used as a single unit dwelling. The applicants have noted that the congregation is small and the existing building with a rear addition and surface parking could accommodate their needs. A mix of uses surround the site including low density residential, commercial, industrial, open space, and construction and demolition uses. In proximity to the site, on the southern corner of Mills Drive and Prospect Road is a property zoned P-2. Staff advise that the proposed use would minimally impact surrounding residents and is generally compatible with the community.

Should Council choose to initiate this planning process as recommended, the subsequent full review would consider the following:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- appropriate limits for new development including setbacks, lot coverage, screening, and parking;
- storm water management;
- the impact on traffic infrastructure; and
- the feedback received through community engagement initiatives.

Conclusion

Staff have reviewed the proposed MPS amendment and advise there is sufficient merit to warrant proceeding with the request. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

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 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 early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the MPS for Planning District 4 (Prospect) will potentially impact local residents and property owners.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017/2018 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

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 MPS for Planning District 4 (Prospect) is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

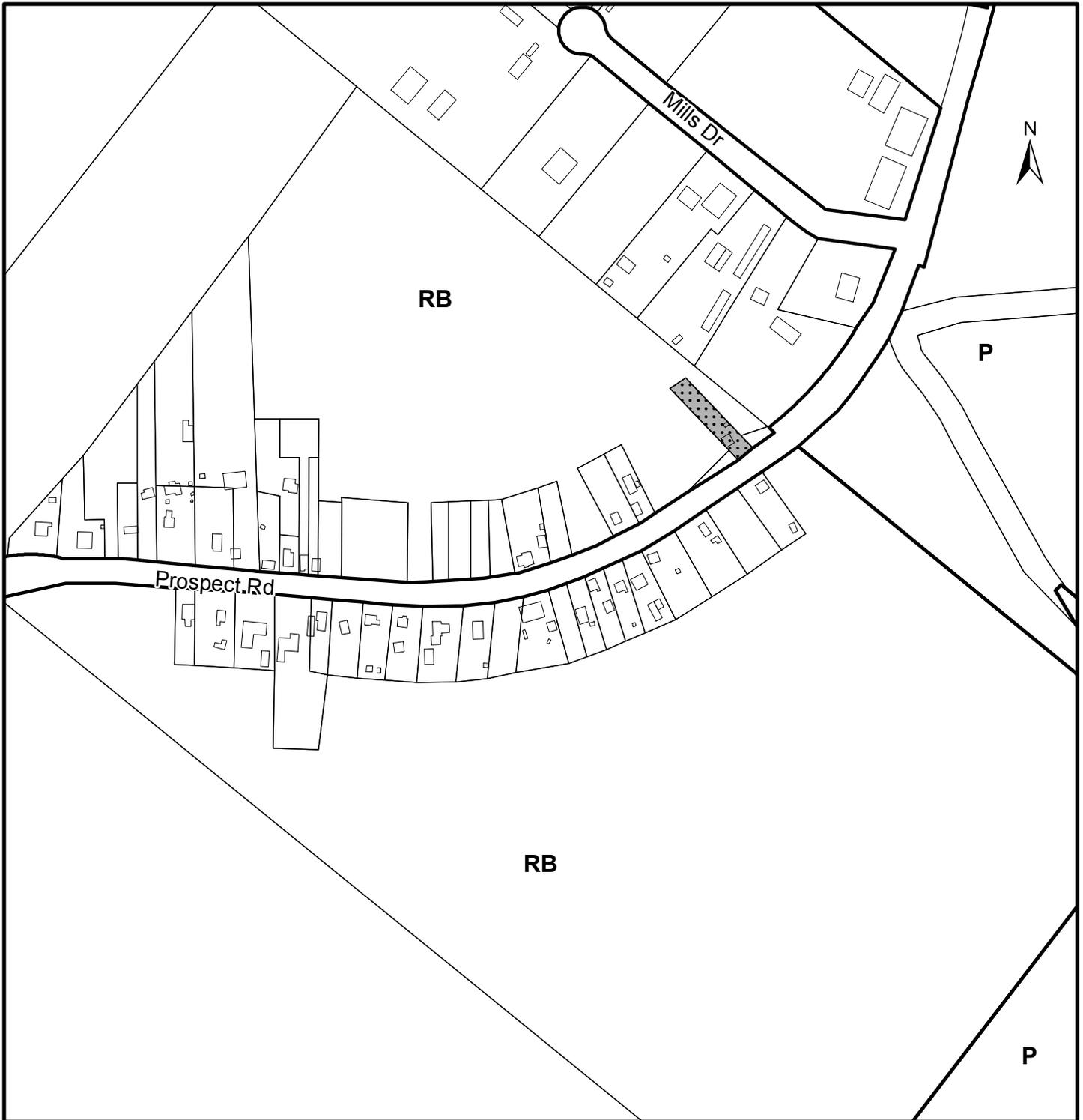
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Excerpts from Applicant Submission
Attachment B:	Site plan
Attachment C:	Proposed Elevations

Report Prepared by: Stephanie Salloum, Planner II, 902.490.4223

Report Approved by: _____
Steven Higgins, Acting Manager, Current Planning, 902.476.8120

Report Approved by: _____
Kelly Denty, Acting Director, Planning and Development, 902.490.4800



Map 1 - Generalized Future Land Use

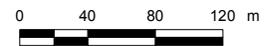
797 Prospect Road
Halifax

HALIFAX

 Subject Property

Designation

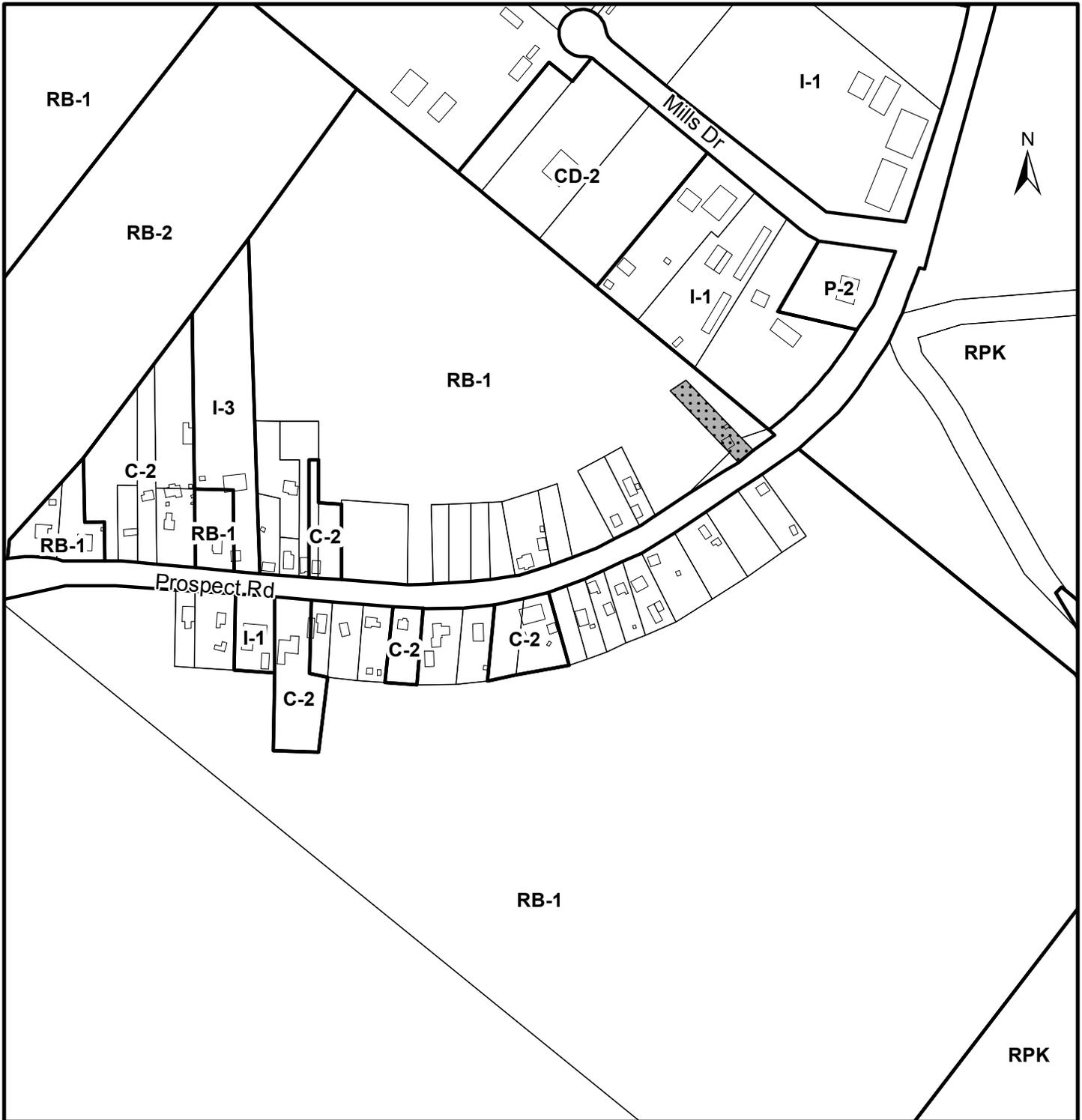
RB Residential B
P Park



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.

Planning District 4
(Prospect) Plan Area



Map 2 - Zoning

797 Prospect Road
Halifax

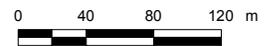
 Subject Property

Planning District 4 (Prospect)
Land Use By-Law Area

Zone

- RB-1 Residential B-1
- RB-2 Residential B-2
- C-2 General Business
- CD-2 C&D Materials Processing Facilities
- P-2 Community Facility
- RPK Regional Park
- I-1 Light Industry
- I-3 Local Service

HALIFAX



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.

ATTACHMENT A
Excerpts from Applicant Submission

Application Details:

Current Zone: Residential B-1 (RB-1)

Current Designation: Residential B

PID: 00404723

Lot Area: 10,000 sq. ft.

Lot Frontage: 50 ft.

Location 797 Prospect Road, Goodwood

Existing Use: Dwelling

Proposed Use: Denominational Institution (Church)

Future Expansion: Proposed 20 ft. x 20 ft. addition

Parking: 10 spaces

Services: On-site sewage disposal and water well

Access / Egress: Driveway to Prospect Road

Abutting Uses: Vacant, forested lands

Adjacent Uses: Low density residential, Goodwood Industrial Park (Mills Drive), Long Lake Provincial Park

Application Notes

The application requests...to permit the use of the existing building as a denominational institution (church) and permit a future addition to the building.

Our congregation is small, but growing modestly, and we require a place for worship and fellowship. This property suits our needs both for affordability, worship and fellowship area, and proximity to where our congregation lives. We understand that there are limits to growth on this property which will limit the size of our proposed addition to the existing building. The propose addition will satisfy our needs for many years to come.

We held discussions with Nova Scotia Transportation and Infrastructure Renewal (NSTIR) staff, the authority having jurisdiction for traffic impact matters as it is a provincially managed road. In those discussions we received confirmation that NSTIR did not require a traffic impact statement.

We have not specified details of the floor plans on our plans. The upper floor will be used for worship and the lower level will be used for a kitchen, fellowship area, and washrooms.

Our plans show 10 parking spaces, a ratio of 1 space for each 65 sq. ft. of floor area. The By-law requirement (s 4.25) is 1 space for each 100 sq. ft. of floor area. Once the [application] is approved, and once we need to expand the building, we will, through the Development Permit process, add parking spaces to meet the By-law required ratio. We do not believe the By-law requires us to install a mobility disabled parking space. However, the #1 space shown on the New Site Plan will be expanded and designated for such use.

The existing building is small (650 sq. ft.) floor area on the main floor) and is adequate for the current congregation as a worship space. The lower level will accommodate washrooms and kitchen services. As the congregation grows, the plan is to add a 400 sq. ft. single floor addition to accommodate the larger congregation. The property will be able to support the use of the existing building and the expanded use.

It is expected that the parking requirement for denominational institutions will be the limit to the growth of the use at this site. Also, the site is near to the neighbourhoods where members of the congregation live. It also is in an area where real estate values are modest and permit the congregation to acquire and improve their centre of worship.

The proposed church is a low intensity use which will be carried out inside the building. Traffic access and egress and parking will be managed on site. The existing building and the proposed addition will maintain the appearance of the property from the Prospect Road and not visually intrude. The use will not generate litter.

The [abutting] lands are currently forested and provide a visual buffer to the nearest low density residential development on the north side of Prospect Road. More low density residential development is on the south side of Prospect Road and is adequately separated by Prospect Road. The proposal does not include any additional landscaping measures to reduce the visual effect of the use. It is adequately buffered from existing uses.

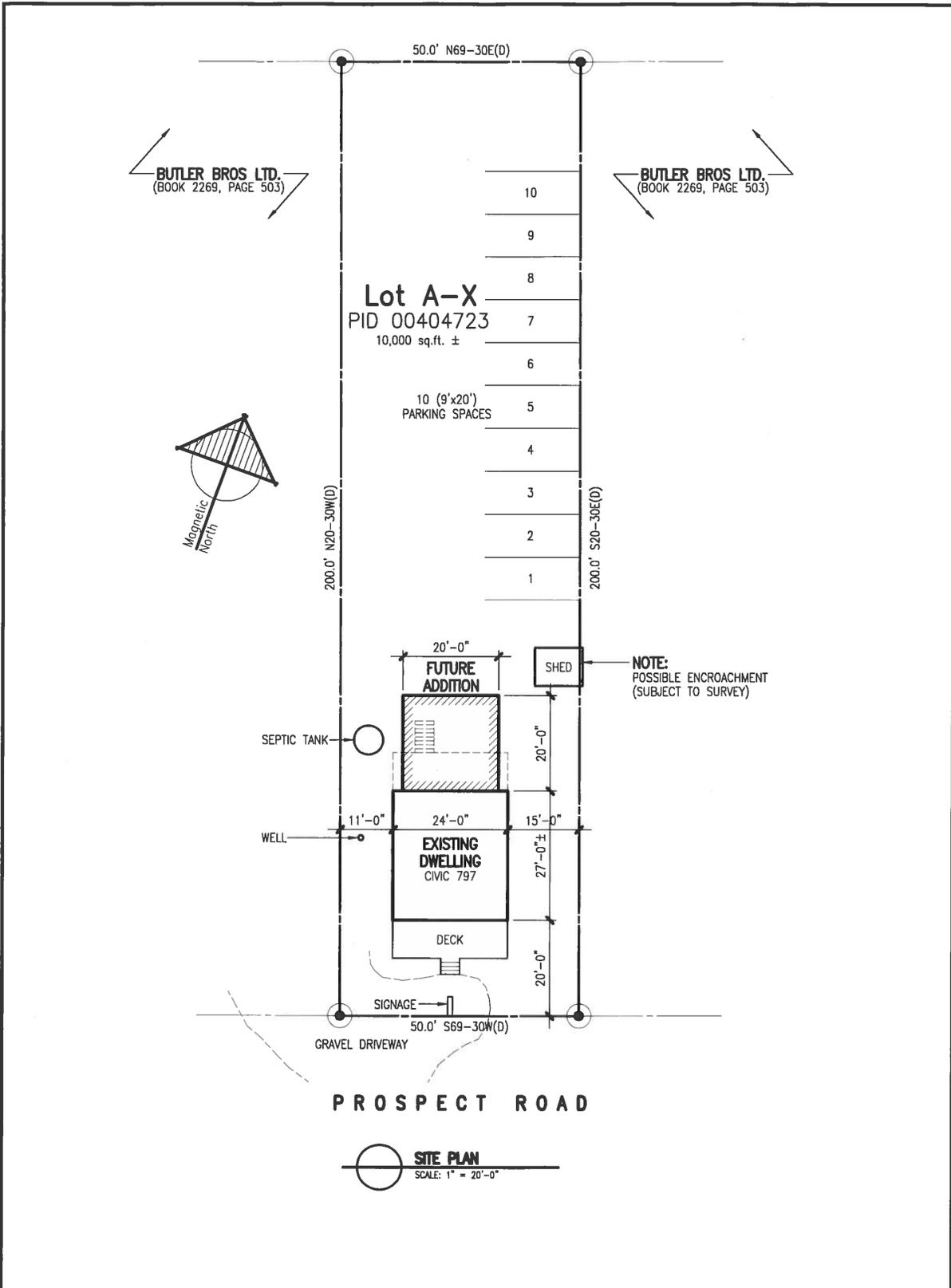
Nova Scotia Transportation and Infrastructure Renewal (NSTIR) have determined...that the proposed use does not require a traffic impact statement which indicates a low impact on the existing road network. Sight distance measurements will be done by NSTIR following submission of this application to confirm safe access and egress to the site. It is not expected that there will be conflict with people walking along Prospect Road.

The church organization will improve the current state of the building and property and maintain them well. The church will be used during traditional church hours. The property is currently developed and the use will not have impact on the natural environment or watercourses.

It is not expected that the proposed use will mean any additional costs to the Municipality relating to the development. The on-site sewerage and water services will be tested to confirm they are adequacy for the use. The proposed use will not impose additional demands on [schools, recreation or other community facilities]. There are no historic buildings or sites on the property.

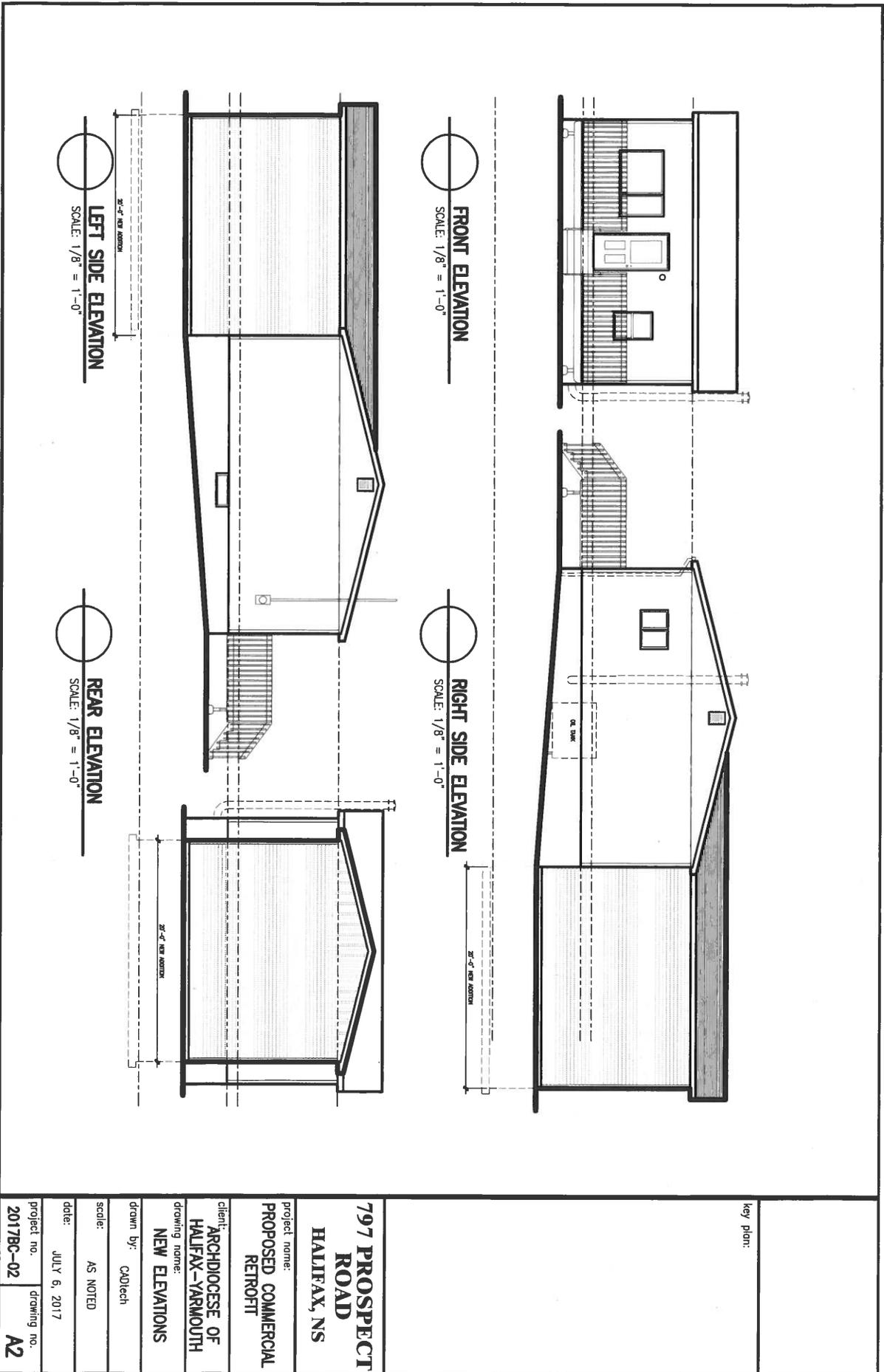
The NSTIR review will confirm the location of the driveway to Prospect Road. Open storage is not part of the proposal. One low ground sign is proposed at the Prospect Road frontage. It will be placed to not obstruct the view of a driver entering or exiting the property.

Attachment B: Site Plan



client: ARCHDIOCESE OF HALIFAX-YARMOUTH	project name: PROPOSED COMMERCIAL RETROFIT	drawing no.:	key plan:
drawing name: NEW SITE PLAN	drawn by: CADtech	scale: AS NOTED	
date: JULY 6, 2017	project no.:	drawing no.:	
2017BC-02	SP2		

Attachment C: Proposed Elevations



key plan:	
project name:	797 PROSPECT ROAD HALIFAX, NS
client:	ARCHDIOCESE OF HALIFAX-YARMOUTH
drawing name:	NEW ELEVATIONS
drawn by:	CADtech
scale:	AS NOTED
date:	JULY 6, 2017
project no.:	2017BC-02
drawing no.:	A2