



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

Item No. 12.2
Halifax Regional Council
January 15, 2019
February 26, 2019

TO: Mayor Savage Members of Halifax Regional Council

SUBMITTED BY: Original Signed

For Councillor Stephen D. Adams, Chair, Halifax and West Community Council

DATE: December 13, 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

December 12, 2018 meeting of Halifax and West Community Council, Item 13.1.2.

LEGISLATIVE AUTHORITY

HRM Charter, Part 1, Clause 25(c) – “The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of the staff report dated October 10, 2018, to allow for a church at 797 Prospect Road, Goodwood, and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of the staff report dated October 10, 2018.

BACKGROUND

At their December 12, 2018 meeting, Halifax and West Community Council considered the staff report dated October 10, 2018 regarding 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.

For further information, please refer to the attached staff report dated October 10, 2018.

DISCUSSION

Halifax and West Community Council considered the staff report dated October 10, 2018, and forwarded the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the staff report dated October 10, 2018.

RISK CONSIDERATION

Risk consideration is outlined in the staff report dated October 10, 2018.

COMMUNITY ENGAGEMENT

The Halifax and West Community Council is comprised of six (6) elected members. Meetings are held in public unless otherwise indicated and the agendas and reports are posted to the HRM website.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated October 10, 2018.

ALTERNATIVES

Halifax and West Community Council did not provide alternatives.

ATTACHMENTS

Attachment 1 - Staff report dated October 10, 2018.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: David Perusse, Legislative Assistant, Municipal Clerk's Office 902.490.6732



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

Item No. 13.1.2
Halifax and West Community Council
December 12, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: October 10, 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.
- January 16, 2018, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of this report, to allow for a church at 797 Prospect Road, Goodwood, and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of this report.

BACKGROUND

Atakaliti Mulu and Felekech Woldehana are applying to allow 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	West side of Prospect Road, south of Mills Drive
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential B - Planning District 4 (Prospect)
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)	Vacant properties are 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 for the St. Mary's Church. The St. Mary's congregation is relatively small and the applicant has indicated that they do not intend to stay at the property if the congregation grows. An existing dwelling at the front of the property would accommodate the priest permanently and weekly church services would likely occur in a separate building to the rear of the property. If the proposed policy and by-law amendments are successful, the applicants would consider this separate building or an addition to the existing building via the permitting process under the rules of the amended RB-1 Zone. As such, the applicant is seeking amendments to the MPS and LUB to permit denominational uses at 797 Prospect Road, Goodwood under the Residential B-1 Zone.

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 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 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 if the property is in conformity with the requirements of the LUB. However, that option is not available in this case since the subject property meets all requirements of the P-2 Zone except for lot frontage and area. Since there are no other enabling policies in the MPS to consider the proposed use on an existing undersized lot, a site specific MPS amendment is required.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25,

1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and a public information meeting held on March 19, 2018. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following:

- Several existing industrial uses would be amongst the church; and
- A church would enhance the existing community.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that there is merit to the proposed MPS and LUB amendments. The following paragraphs review the rationale and content of the proposed amendments.

Existing Planning Policy

Policy RB-7 of the MPS allows for consideration of P-2 uses within the Residential B designation. It is therefore possible to see applications for a church in this area of Goodwood. However, the minimum requirements for lot area and frontage under the P-2 Zone are 1,858.1 square metres (20,000 square feet) and 12 metres (100 feet), respectively. The proposed development can satisfy all the requirements of the P-2 zone with the exception of lot frontage and area as the lot area is only 1,155 square metres (12,433 square feet) and 15.24 metres (50 feet) of frontage. Despite the lot being under sized, staff advise it is appropriate to consider a denominational use at the subject property, especially given the small nature of the church.

Compatibility with Surrounding Units

Staff have no concerns regarding compatibility given there is a mix of residential, commercial and industrial uses that surround the property. Residents have also expressed that a church at the subject property would benefit the neighbourhood. If Council approves the proposed amendments, the applicant has indicated that the existing dwelling would remain to accommodate the priest and a new building, or addition to the existing building, would be constructed in the rear of the property for the congregation. Any new structures on the property would meet the setback, lot coverage and height requirements of the P-2 Zone.

Access and Parking

Although the property is undersized in comparison to the P-2 Zone standards, there is sufficient area to accommodate more than the minimum number of parking spaces required under the LUB for the proposed church building. The church is relatively small in size to accommodate a small congregation. No parking would be provided along the street. The applicant intends to use the existing access off Prospect Bay Road.

Suitability of On-site Services

The existing septic system on the property can accommodate the proposed church use.

Proposed Amendments

Staff considered the existing MPS policy context and several policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments. The intent of the amendments is to permit denominational uses at the subject property, even though it does not meet the minimum lot frontage and area requirements of the zone. The applicant intends to sell the property

in the future should the congregation grow beyond capacity of the proposed new building. Therefore, staff advise that allowing denominational uses specifically at the subject property under the RB-1 Zone is more suitable than rezoning the property to P-2. This will allow for the adaptive reuse of the property and/or buildings in a manner which is compatible with the surrounding community.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to allow a church at 797 Prospect Road, Goodwood. There is already policy to consider community facility uses under the Residential B designation and the proposed church would meet all the requirements of the P-2 Zone except for frontage and area. Therefore, staff recommend that the Halifax and West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2018-2019 operating 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.

ALTERNATIVES

The Halifax and West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Planning District 4 (Prospect), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS and LUB for Planning District 4 (Prospect). A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

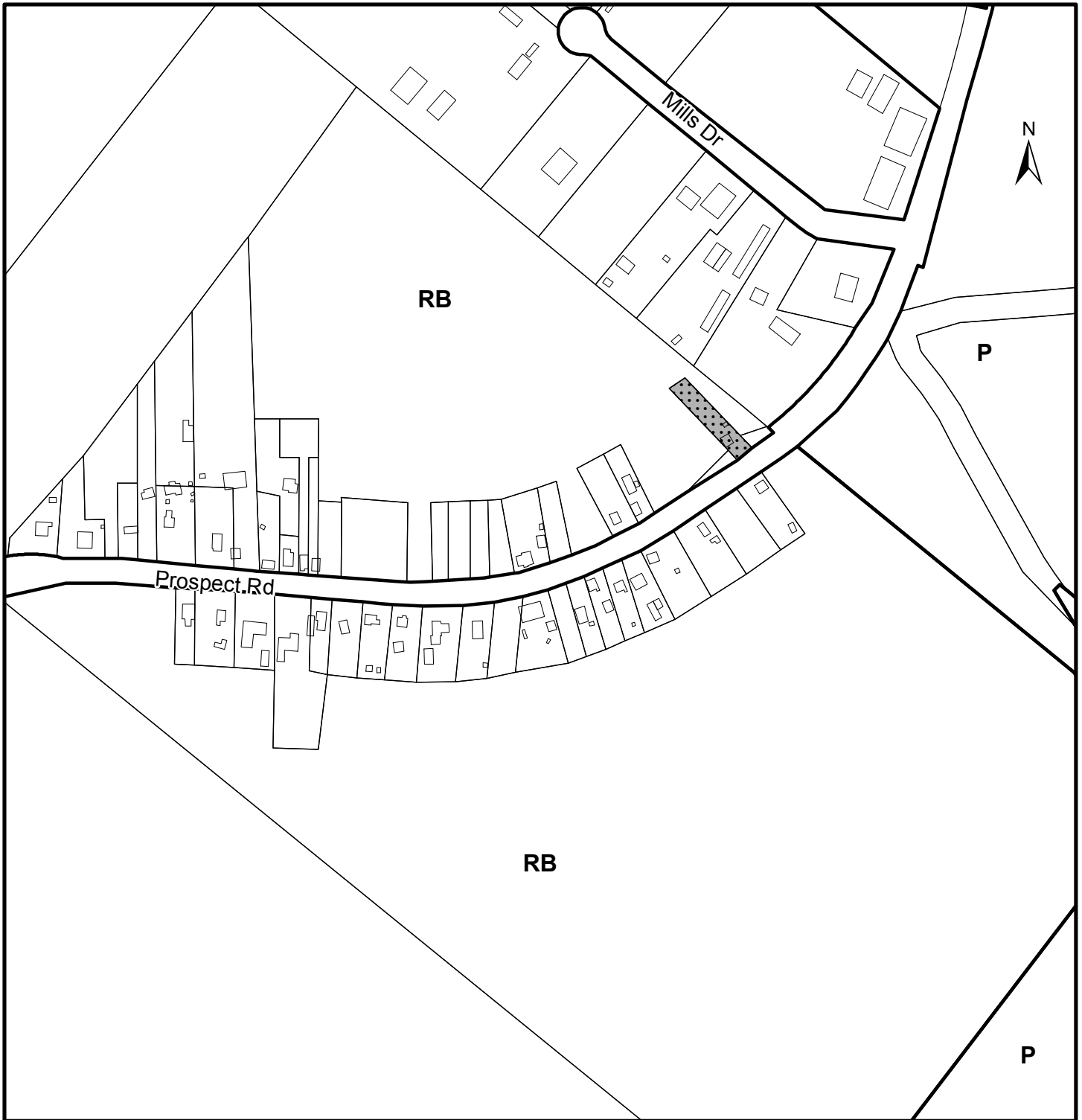
Attachment A: Proposed MPS Amendments
Attachment B: Proposed LUB Amendments
Attachment C: Summary of Public Information Meeting (PIM) Minutes

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner II, Current Planning, 902.490.4223

-Original Signed-

Report Approved by: Carl Purvis, Acting Manager, Current Planning, 902.490.4797



Map 1 - Generalized Future Land Use

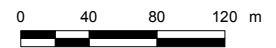
797 Prospect Road
Halifax

HALIFAX

 Subject Property

Designation

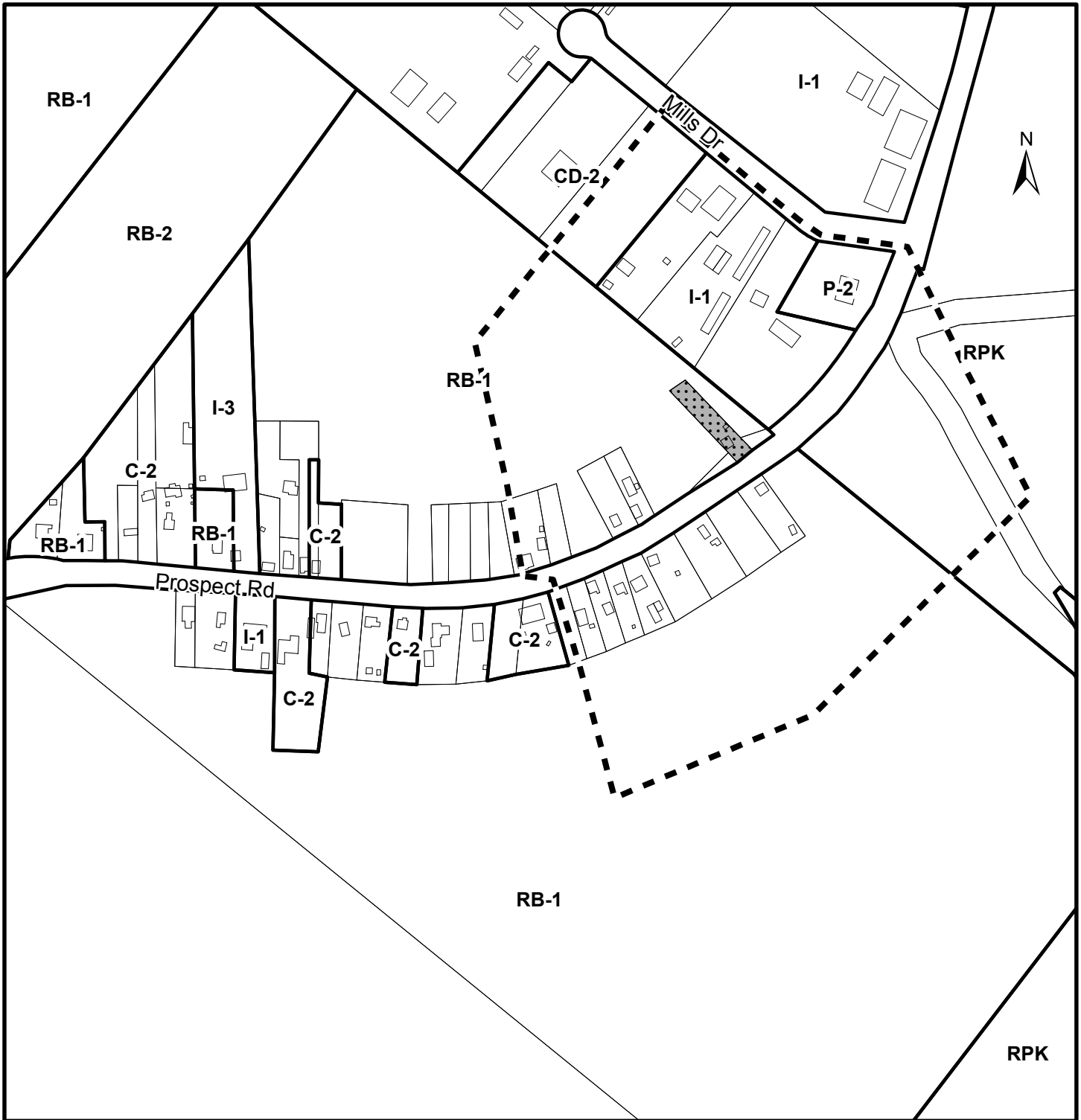
RB Residential B
P Park



Planning District 4
(Prospect) 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

797 Prospect Road
Halifax

 Subject Property

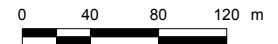
 Area of Notification

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

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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

Proposed Amendments to the Planning District 4 (Prospect) Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 4 (Prospect) is hereby further amended as follows:

1. The text shown in bold below shall be added immediately after Policy RB-7 and before the preamble for Policy RB-8.

RB-7A Notwithstanding Policy RB-7, within the Residential B Designation, it shall be the intention of Council to permit denominational uses at 797 Prospect Road, Goodwood (PID 00404723) in accordance with the community facility zone, except for minimum area and frontage requirements.

I HEREBY CERTIFY that the amendments to the Planning District 4 (Prospect) Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2018.

Municipal Clerk

ATTACHMENT B

Proposed Amendments to the Planning District 4 (Prospect) Land Use By-law

RB-1 (Residential B-1) Zone

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Planning District 4 (Prospect) Land Use By-law is hereby further amended as follows:

1. Section 10.1 of Part 10 shall be amended by adding “Denominational uses at 797 Prospect Road, Goodwood” to the list of Other Uses, immediately after “All existing dwellings” and before Section 10.2 as shown in bold below:

Other Uses

Existing business uses

All existing dwellings

Denominational uses at 797 Prospect Road, Goodwood

2. Section 10.9 shall be added immediately after 10.8 and before Part 11 as shown in bold below:

10.9 OTHER REQUIREMENTS: DENOMINATIONAL USES at 797 Prospect Road, Goodwood

Where denominational uses are permitted at 797 Prospect Road, Goodwood, no development permit shall be issued except in conformity with the requirements under Section 30.2 except for minimum lot area and frontage requirements.

I HEREBY CERTIFY that the amendments to the Planning District 4 (Prospect) Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of _____, 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of _____, 2018.

Municipal Clerk

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 21379

The following does not represent a verbatim record of the proceedings of this meeting.

Monday, March 19, 2018
7:00 p.m.
Prospect Road Community Centre

STAFF IN

ATTENDANCE: Thea Langille, Principle Planner, HRM Planning and Development
Alden Thurston, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Steve Adams, District 11
Atakaliti Mulu, Applicant

REGRETS: Stephanie Salloum, Planner, HRM Planning and Development

PUBLIC IN

ATTENDANCE: Approximately 8

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Thea Langille

Ms. Langille filled in for Stephanie Salloum who is the Planner and Facilitator for the application. The area Councillor and HRM staff were introduced.

Case 21379 - Application by Atakaliti Mulu to amend the Municipal Planning Strategy for Planning District 4 (Prospect) to permit a church at 797 Prospect Road, Goodwood.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site and highlight the proposal;
- Give the applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Thea Langille

Ms. Langille provided a brief introduction to the application and made a presentation to the public outlining the applicant's request. The context of the subject lands and policy and by-law overview were outlined.

Applicant's Presentation – Atakaliti Mulu, Member of the Board of the Ethiopian Orthodox Church and the Ethiopian Community in Halifax

Mr. Mulu explained their request and thanked many people, including the Archbishop of Halifax/Yarmouth and HRM staff for their guidance with submitting the planning application and the community of Goodwood for their acceptance.

3. Questions and Comments

Dan Chassie, Mills Drive, Goodwood is also representing some other industrial companies in Mills Drive Industrial Park. Many businesses in the Industrial Park are in favor of the proposal and will support the church as much as possible. Mr. Chassie commented that the church will be amongst industrial uses that have been there for many years.

Scott Guthrie, Brookside welcomed the members of the church and sees this as another opportunity where bringing another faith and culture to the area will enhance the community.

Craig Chandler, Shad Bay supports the proposal.

Felekerh Woldehana, Halifax explained that Canada is a great country to practice the Ethiopian faith, thanked the Goodwood Community for the support and hopes that everyone will enjoy.

Councillor Steve Adams asked about the proposal's timeline. **Ms. Langille** – It will take several months for the application to be tabled in front of Regional Council but anticipates it will move forward quickly.

4. Closing Comments – Thea Langille

Ms. Langille thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:18 p.m.