



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
June 11, 2009
July 2, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: *Denise Schofield*
Denise Schofield, Acting Director of Community Development

DATE: May 27, 2009


SUBJECT: Case 01247: Rezoning - 60 Simmonds Drive, Dartmouth

ORIGIN

Application by SNF GP Inc. to rezone 60 Simmonds Drive, Dartmouth, from the I-2 (General Industrial) Zone to the I-4 (Salvage) Zone.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed rezoning of 60 Simmonds Drive, Dartmouth, as shown in Attachment A of this report, and schedule a public hearing; *June 11, 2009*
2.  Approve the proposed rezoning of 60 Simmonds Drive, Dartmouth (PID 40172827), from the I-2 (General Industrial) Zone to the I-4 (Salvage) Zone, as shown in Attachment A of this report.

BACKGROUND

SNF GP Inc. (SNF) currently has a development permit that allows them to use 60 Simmonds Drive as a metal transfer facility: ferrous and non-ferrous scrap metals are received, sorted into containers or railcars, and shipped to other facilities within 24 to 48 hours.

Proposal

SNF is proposing to add vehicle depollution to their existing business at 60 Simmonds Drive, which will include the removal of fluids and the recycling of the vehicles (Attachment B). The new expanded operation is considered a “salvage use” as it fits within the definition of salvage yard (“the storage, handling, processing of, and / or sale of scrap material”(Attachment C)). Therefore, in order to add this service, SNF requires the I-4 (Salvage) Zone.

At this time, SNF expects a maximum of twenty vehicles onsite. However, if the rezoning is approved, the I-4 (Salvage) Zone will not limit their operation to that number of vehicles, or the existing 24 to 48 hour turnaround time. The requirements for the I-4 (Salvage) Zone are included as Attachment C.

Location

- Burnside Industrial Park (Map 1)
- Subject property is approximately 3.5 acres in size.

Designation

- Industrial: Dartmouth Municipal Planning Strategy (MPS) (Map 2)
- Urban Settlement Designation and Business / Industrial Park Sub-Designation: Regional MPS

Zoning

- General Industrial (I-2) – Dartmouth Land Use By-law (LUB) (Map 1)

Enabling Policy

Policy M-7 of the Dartmouth MPS allows Council to consider rezonings to the I-4 (Salvage) Zone in areas designated for future Industrial land uses (Attachment D). The policy preamble recognizes that “salvage yards play a key role in terms of the recycling process, removal of abandoned automobiles and providing materials for the motor vehicle parts and the steel industry”; however, it also notes that there may be issues of compatibility, even with other industrial uses.

If the rezoning is approved, Council should be aware that the only uses permitted in the proposed I-4 (Salvage) Zone are salvage yards and their accessory uses. General industrial uses are not permitted in the I-4 (Salvage) Zone unless they are accessory to a salvage yard.

In contrast, the existing I-2 (General Industrial) Zone permits a wide range of commercial and industrial uses (including the existing use of the property as a metal transfer facility). The I-2

(General Industrial) Zone currently applies to the subject property, as well as the vast majority of lands in Burnside Industrial Park.

DISCUSSION

Staff have reviewed the proposed rezoning with regard to the relevant policies contained in the Dartmouth MPS. The proposed rezoning of 60 Simmonds Drive to the I-4 (Salvage) Zone meets the criteria listed in Policies M-7 and IP-1(c). A detailed review of the relevant policies are included as Attachment E.

Nova Scotia Environment

Due to the limited size of the proposed vehicle depollution service, staff have been advised that SNF will not require provincial approval for a salvage yard at this time. (While the vehicle depollution use is considered a 'salvage use' by the municipality, the limited size of the proposed vehicle depollution use means it is not considered a 'salvage activity' by the province.)

Nevertheless, before permits can be issued in the I-4 (Salvage) Zone, in addition to meeting the other requirements of the land use by-law, it is the developer's responsibility to provide the Development Officer with evidence that all necessary approvals from other government agencies have been obtained (Attachment C).

Traffic and Compatibility

Policy IP-1(c) raises the potential concerns of traffic and compatibility when considering rezonings or development agreements in the Dartmouth plan area (Attachment E). For this proposal, any additional trips generated by the vehicle depollution service or the rezoning are not anticipated to negatively affect the performance of Simmonds Drive, Joseph Zatzman Drive or the regional street system.

With regard to compatibility, issues raised by potential salvage uses can be mitigated with the screening, buffering and landscaping provisions in the I-4 (Salvage) Zone. For this proposal, a location in an industrial park is the most appropriate place for the industrial I-4 (Salvage) zone.

Public Information Meeting/Area of Notification

A public information meeting (PIM) for the proposed rezoning was held on April 8, 2009. The minutes for the PIM are included as Attachment F.

If Council decides to schedule a public hearing, property owners within the notification area included on Map 1 and persons who registered at the PIM will be notified of the hearing by mail. Public notices will also be posted in the local newspaper and on the HRM website.

Public Feedback

Staff received comments from the public via phone, as well as during the public information meeting (Attachment F). The most commonly-heard concerns were: that 60 Simmonds Drive is an inappropriate location for a 'full' salvage yard; and that although SNF is not currently proposing a 'full' salvage yard, HRM would be obligated to issue permits for a 'full' salvage yard if the rezoning was approved.

Although many issues were raised during the public information meeting, most of these issues were not related to land use planning. For example, staff cannot recommend for or against a rezoning based on issues like competition between businesses, financial viability or potential markets (e.g. limited supply of scrap metal).

Conclusion

In considering the rezoning of an industrially designated property to the I-4 (Salvage) Zone, staff believe the proposed rezoning of 60 Simmonds Drive meets the criteria set out in Policies M-7 and IP-1(c) of the Dartmouth MPS.

Since the proposed rezoning meets the criteria set out in the Dartmouth Municipal Planning Strategy, staff cannot recommend against the rezoning based on what permits may be issued in the I-4 (Salvage) Zone in the future. However, Council may consider whether a zone that only permits salvage yards is the most appropriate future use for this property.

Therefore, staff are of the opinion that the proposal satisfies the intent of the rezoning policy (Policy M-7). As such, staff recommend that Harbour East Community Council approve the proposed rezoning, as set out in Attachment A of this report.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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

1. Council may choose to approve the proposed amendment to the Land Use By-law. This is the recommended course of action.

2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies.

ATTACHMENTS

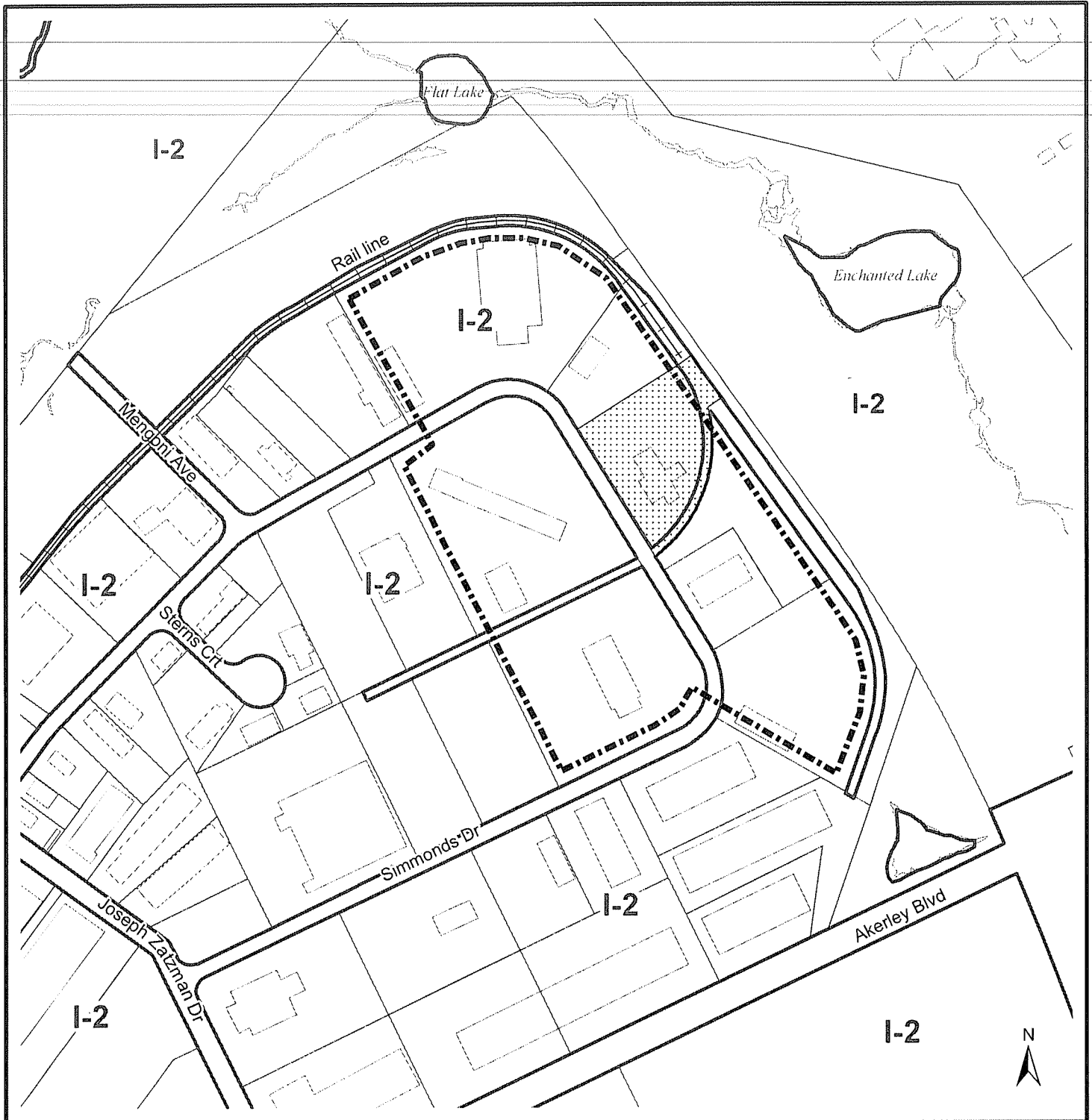
Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Amendment to the Dartmouth Land Use By-law
Attachment B	Proposal – SNF Dartmouth Expansion
Attachment C	Dartmouth LUB Excerpts
Attachment D	Dartmouth MPS Excerpts
Attachment E	Review of Relevant Policies from the Dartmouth MPS
Attachment F	Minutes from the Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mackenzie Stonehocker, Planner I, Community Development, 490-3999





Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

60 Simmonds Drive

-  Subject Property
-  Notification Area

Zone

I-2 General Industrial

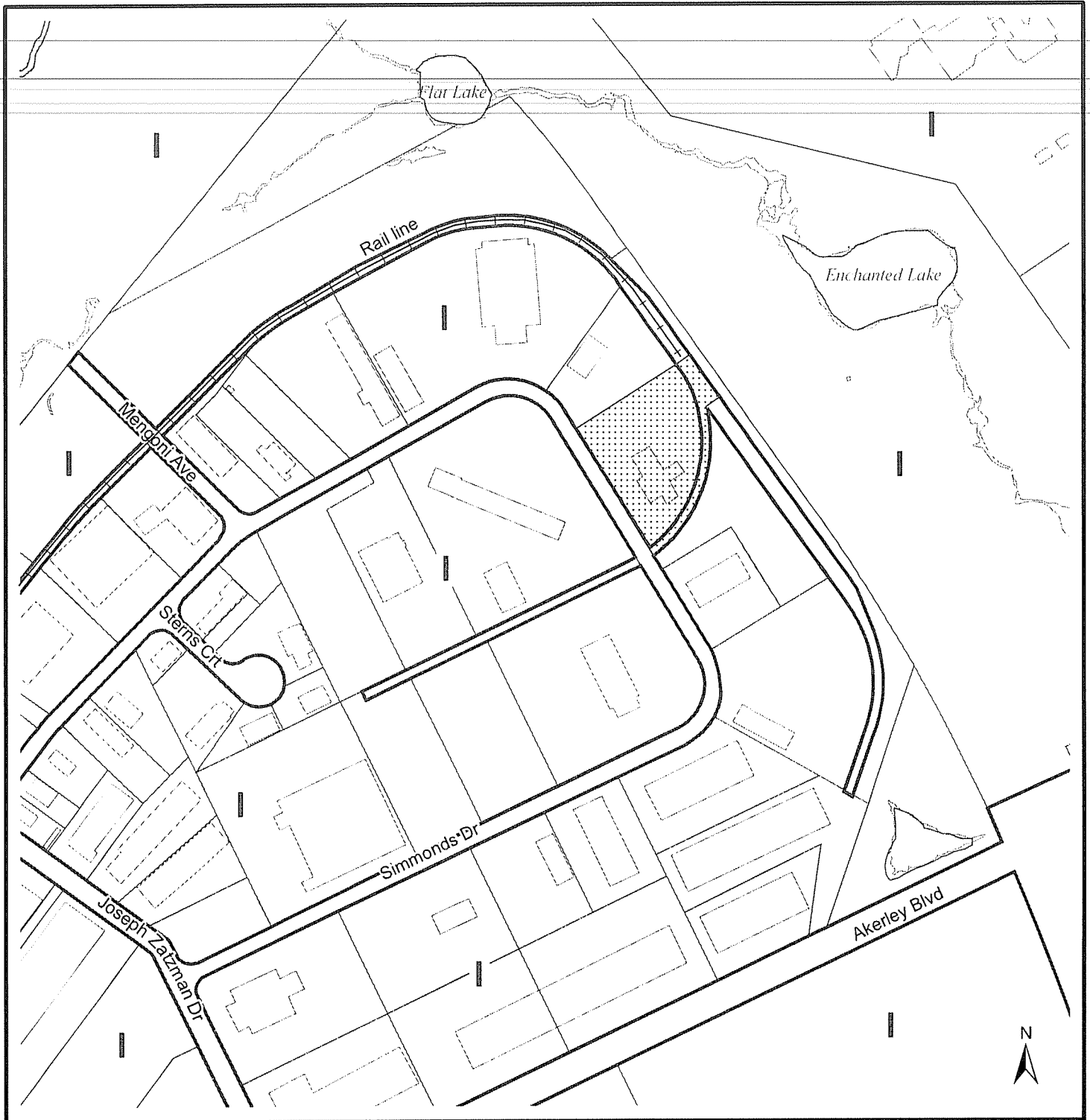
HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area


HRM does not guarantee the accuracy of any representation on this plan

Dartmouth Plan Area



Map 2 - Generalized Future Land Use

60 Simmonds Drive

 Subject Property

Designation

| Industrial

Dartmouth Plan Area

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Generalized Future Land Use for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Attachment A:
Amendment to the Dartmouth Land Use By-law

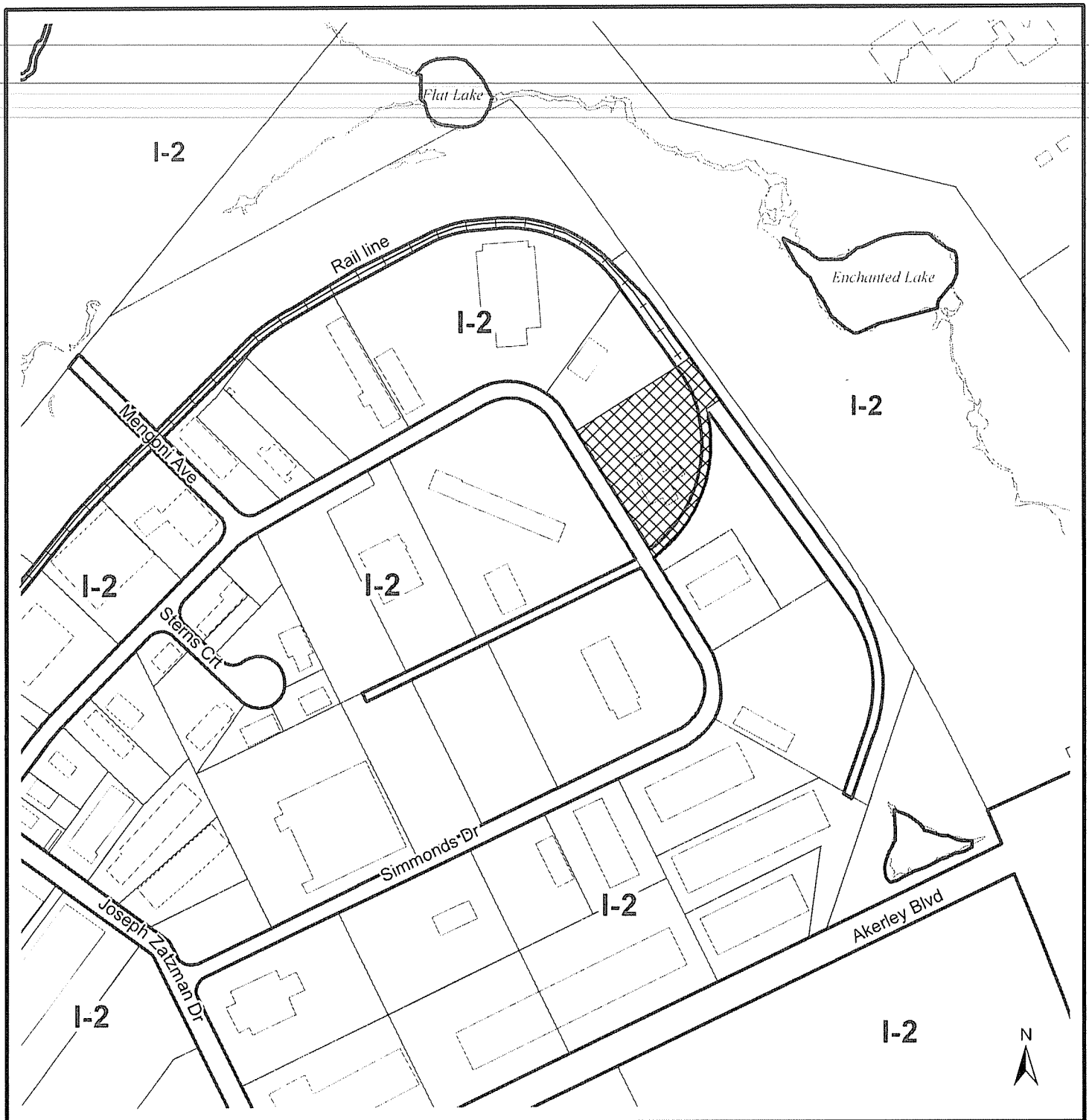
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby amended as follows:

1. The Dartmouth Zoning Map shall be amended by rezoning 60 Simmonds Drive (PID 40172827) from the I-2 (General Industrial) Zone to the I-4 (Salvage) Zone, as illustrated on the attached Schedule A.

I HEREBY CERTIFY that the amendments to the Dartmouth Land Use By-law as set out above, were passed by a majority vote of the Harbour East Community Council at a meeting held on the ____ day of _____, 2009.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009.

Julia Horncastle
Acting Municipal Clerk



Schedule A

60 Simmonds Drive

 Subject Property to be Rezoned from General Industrial (I-2) to Salvage (I-4)

Zone

I-2 General Industrial

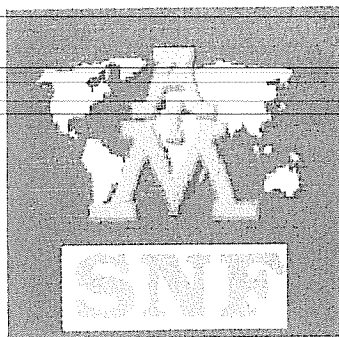
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Dartmouth Plan Area



Expansion project SNF Dartmouth

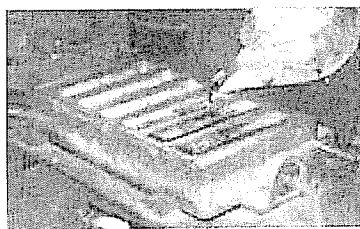
History of AIM-SNF

www.scrapmetal.net / www.snf.ca

A global company with Canadian roots, the AIM-SNF group has been serving the metals industry since 1936. AIM-SNF specializes in the recovery and recycling of scrap metal by-products into valuable, reusable raw materials.

From the industrial plants where we buy metal scrap to the foundries where we sell the recovered metals, AIM-SNF plays a leading role and has earned an enviable reputation for its integrity and commitment to service.

We act as the total metal source for industry: collecting, sorting, weighing, processing and recycling ferrous metals like scrap iron and steel and non-ferrous metals, such as copper, aluminum, stainless steel and many other alloys.

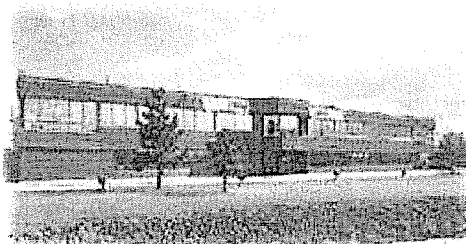


AIM-SNF is very proud that its Quality Management System is registered ISO 9001:2000. Our company is committed and dedicated to ensuring the high quality of its recycled products while preserving a clean and safe environment through careful compliance with

all environmental standards. The success of AIM-SNF is a result of our reliable sources of supply, a comprehensive transportation system, state-of-the-art

equipment, modern facilities, leading edge laboratories, worldwide scrap sales capability and the unsurpassed experience of our staff and many technicians. Our management and employees are constantly aware of the importance of their

work and possess the knowledge to make metal work harder.



Corporate responsibility—Environment

AIM-SNF is a responsible corporate citizen with an enviable record of environmental stewardship. We work in total conformity with North American and International regulations and possess all the necessary permits for our plants, trucks and operations.

AIM-SNF has invested heavily in high performance equipment to ensure that the treatment of materials is ecologically safe,

with no less importance placed on preserving the health and safety of our workers and the workplace.

Quite simply, AIM-SNF's recycling activities help safeguard the environment by recycling metals as a renewable and reusable resource. It is important to know that when you're dealing with AIM-SNF, we have the knowledge and understanding of just what your responsi-

bilities are in terms of environmental compliance.

Certifié ISO 9001: 2000



International
Organization for
Standardization

IMPLEMENTATION OF AN ENVIRONMENTAL MANAGEMENT SYSTEM

AIM-SNF participates actively to continue the expansion of their activities in the HRM area, while keeping their sight on the respect of the environment and sustainable development. Since the acquisition of the site by AIM in early 2008, the personnel has been working on the implementation of the company's knowledge regarding environmental management. The implementation of an environmental management system (EMS) based on ISO 14001 has allowed the company to :

- Improve the current practices in place, so the company can eliminate any procedures that could represent a potential environmental risk.

Ensure safer work conditions to all employees.

Implement better control, supervision and inspection of our site to ensure full compliance with local, provincial and federal environmental standards and our operational permit.

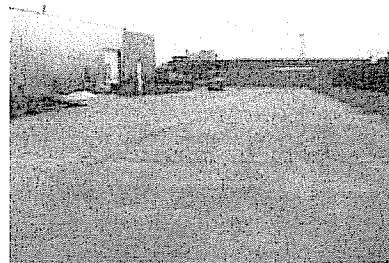
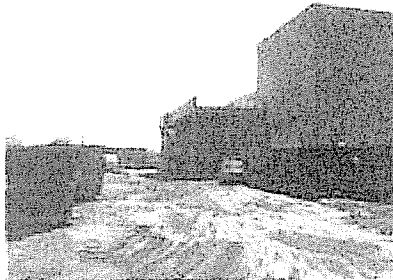
Bring a green image to the scrap recycling industry. Although it is the biggest recycling business in the world, it was previously known as a relatively high pollution risk as well.

- Reduce the costs of waste management.

PAVING OF THE YARD / RCC

AIM-SNF's policy is not to operate any recycling/sorting metal facility on any site that is unpaved. Unpaved recycling/sorting metal facility represents an higher environmental risk, and is less interesting for our clients as well. AIM-SNF has worked closely with the Canadian Cement Association since the late '90s to develop a concrete that is deemed more resistant and permeable than conventional concrete. The Roller Compacted Concrete (RCC) has been developed as a result of this research. This concrete offers interesting features to the metal recycling industry such as better absorption and porosity.

The yard in Dartmouth has been completely paved to greatly improve the work conditions for both our employees and clients, and also to facilitate the stormwater management. It was done at a cost upward of a million dollars, but has proven to be a worthwhile investment.

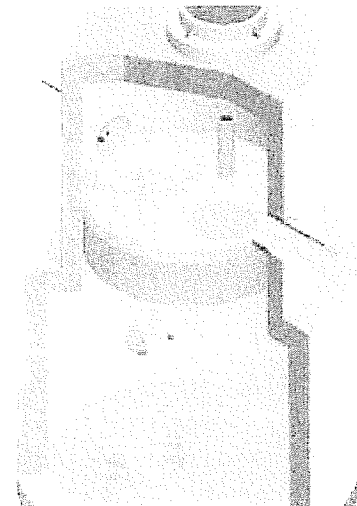


STORMWATER MANAGEMENT

In addition to the paving of our yards in operation, the AIM-SNF group is also very conscious of the importance of water management. Proper water management allows better protection of both the environment and public health. In order to do so, our company has worked with civil engineering firms in order to develop a water management system that can be adapted to any of our sites in operation.

We proceeded with the installation of a stormceptor unit to allow us to treat a large drainage area. This type of unit can be used for large industrial applications, and is designed to collect a wide range of particle sizes as well as oil, heavy metals or sediments.

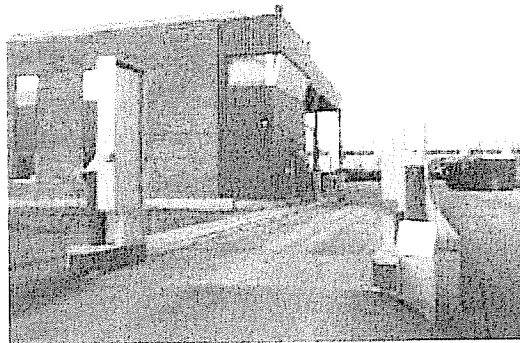
The system in place allows AIM-SNF to comply with even the most stringent local or provincial laws and regulations. It also brings peace of mind to the environmental authorities, that stormwaters are treated adequately at our sites, even in case of an unfortunate incident.



RADIOACTIVITY DETECTORS

The metal recycling industry is facing a growing epidemic with the trading of radioactive material on the metal market. These radioactive materials come in different shapes and sizes, and represent a danger to the personnel handling them.

In order to prevent any health issue, our sites are all equipped with radioactivity detectors. The use of a portable detector as well as a detector installed on the main balance allows our personnel to detect any potentially dangerous radioactive material. Our personnel has been trained to know the proper procedures in case of a detection. We also have a full-time Radioactive Safety Officer (RSO) at our Montreal office that can provide technical help and proceed with the proper disposal procedures if needed. If any interventions are required, we will promptly notify the client and work in collaboration with the Canadian Nuclear Safety Commission (CNSC).

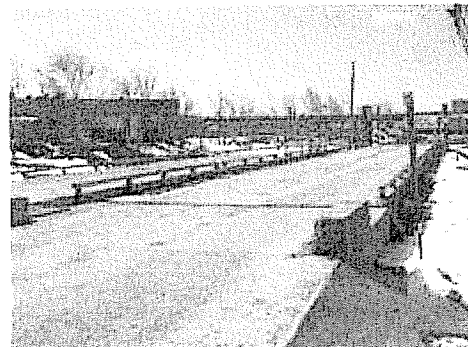
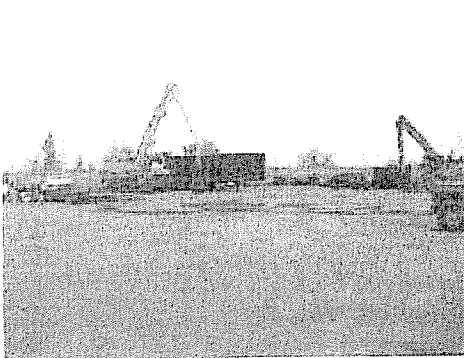


VISUAL APPEAL / TRAFFIC

In regard to our sustainable development and environmental policy, our company has worked on the improvement of the visuals of the site. We are still in the process of improving the general look of the site, and making it as pleasant as possible for our employees and the general public.

Also, the site was redesigned in order to better accommodate our customers. We added a second scale, and improved our receiving capacity. This redesign ensures that the waiting time at the scales will be kept to a minimum and that our car recycling project would have no impact on Simmonds drive, Joseph Zatzman drive, or the regional street system.

We plan to continue working on the visual appeal of the site in the months to come. Our objective is to have a visually appealing environment that will detach us from the traditional salvage yard looks.



Reception of used vehicles

Zoning change proposal

The following elements are proposed for the reception of used/scrap vehicles on-site:

We would accept used vehicles on-site in order to provide full cradle to grave recycling of the vehicles. The vehicles will be received on-site, and will only be accepted if they are judged to be in a general good condition, with no visual signs of leaking and deemed to be environmentally-safe.

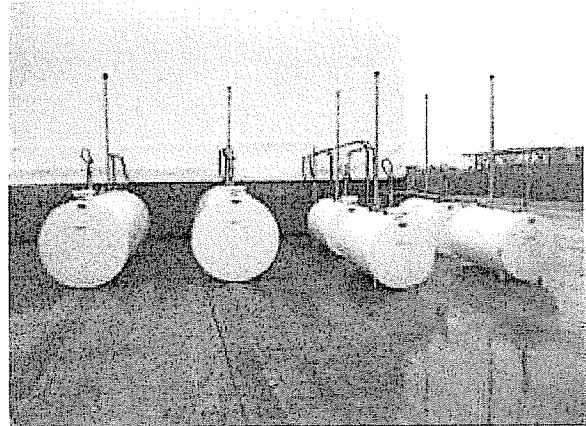
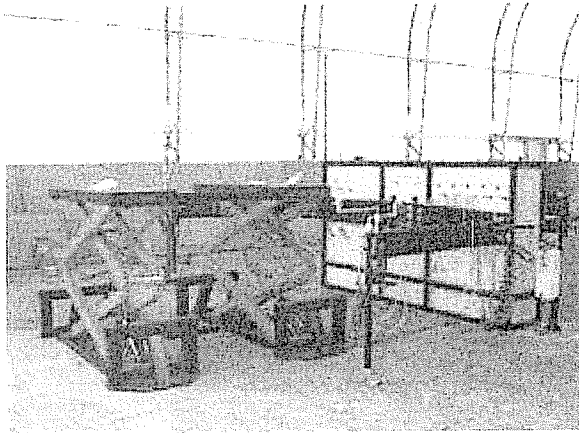
The vehicles will be processed on-site using a state of the art vehicle depollution system developed specifically with the environment in mind. This equipment will allow us to remove any hazardous components of the vehicles such as:

- Power steering oil
 - Engine oil
 - Transmission fluid
 - Power steering fluid
 - Diesel
 - Gasoline
 - Brake oil
 - Engine coolant
 - Airbags
 - Batteries
 - Air conditioning fluids
 - Mercury switches
 - Tires
 - and more
- The depollution equipment is custom made to our needs by the company Crow Environmental. The vehicles are emptied by a complex vacuum system that allows the recovery of every fluid or element that could be damaging to the environment.

Our company already has 2 depollution centres in operation, and is looking to expand our activities due to the popularity and very good public perception of these centres.

As soon as the vehicles are completely emptied, they are then pressed and ready to be shipped to our various car shredding facilities for the final metal recovery.

Vehicle depollution centre – Laval, QC



Reception of used vehicles

Zoning change proposal

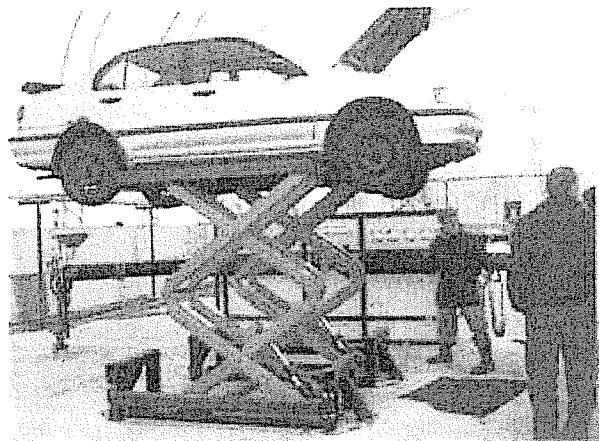
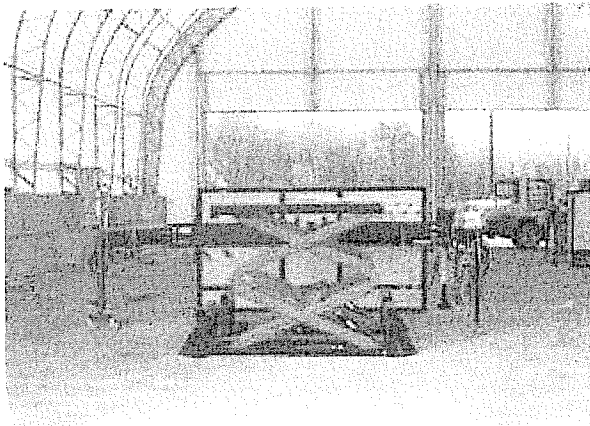
The depollution centre proposed would have a maximum capacity of 20 vehicles per day. Therefore, we will not allow more than 20 vehicles to be present on-site at all times to ensure proper turn-around, and to keep the car storage as low as possible.

- If any of the conditions proposed cannot not be met, for technical or any other reasons out of our control, we would systematically refuse the delivery of vehicles on-site.

Our company thinks that this proposal would allow the HRM to provide it's population with a safe and environmentally-friendly solution to dispose of their used/scrap vehicles. Many car salvage companies will simply take the auto parts that they would like to recycle, and then crush the rest of the car without removing the poisonous chemicals from the airbags, without draining the vehicles of all its hazardous fluids, such as battery fluid, fuel, anti-freeze, and brake fluid, and without removing and containing the mercury switches. This type of disposal currently poses an enormous danger to the environment and will prove to be a growing problem in the near future (soil, groundwater quality).

This proposal also allows the HRM to step up and make a commitment to eliminate polluting vehicles recycling practices that are not allowed in it's territory. We are looking forward to working with the HRM to provide proper car recycling practices in it's territory.

Vehicule depollution centre Montreal, QC



Attachment C:
Dartmouth LUB Excerpts

1(an) In this by-law, **SALVAGE YARD** means a lot or premises for the storage, handling, processing of and/or sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites.

PART 15: I-4 (SALVAGE) ZONE

43A(1) The following uses only shall be permitted in an I-4 Zone:

- (a) salvage yard and;
- (b) any use accessory to the foregoing.

43A(2) Prior to the issuance of any permit for development in an I-4 Zone, the applicant shall provide to the Development Officer evidence that all necessary approvals from other government agencies have been obtained and shall indicate any conditions attached thereto.

43A(3) Lands used for I-4 uses in an I-4 Zone shall comply with the following requirements:

- (a) the salvage operations, scrap materials and scrap items on the site shall be completely enclosed and screened from the view of any adjacent sites or streets;
- (b) without restricting the generality of clause (a) above, a fence shall be constructed around the entire property which fence shall be:
 - (i) not less than twelve (12) feet in height;
 - (ii) constructed of opaque material;
 - (iii) set back a minimum of twenty (20) feet from the property line on any side abutting a City street;
- (c) all areas between the fence and the street line, with the exception of driveways and walkways, shall be landscaped and maintained by the owner. Landscaping shall include sodding to the curb and decorative shrubs or trees suitable for the location;
- (d) landscaped areas shall not be used for outside storage, parking, loading, unloading or similar uses;
- (e) the submission of a site plan;
- (f) minimum lot size 5,000 square feet.

Attachment D:
Dartmouth MPS Excerpts

Policy M-7

It shall be the intention of City Council to permit scrap yards, junkyards and salvage yards in areas designated for industrial uses on the generalized land use map and to require that scrap yards, junkyards and salvage yards be screened by fencing or landscaping or a combination of both to reduce the adverse effects on abutting property, subject to the following:

- (a) no scrap yard, junkyard or salvage yard shall be permitted which is adjacent to or within a 500 foot radius of:
 - (i) community facilities;
 - (ii) any existing or designated residential area.
- (b) no scrap yard, junkyard or salvage yard shall be permitted where it would not be possible to screen those uses from abutting properties.

Policy IP-1(c)

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan;
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal;
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries;
- (4) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the City is to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services and public utilities;
 - (iii) the adequacy and proximity of schools, recreation and other public facilities;
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development;
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas;
 - (vi) preventing public access to the shorelines or the waterfront;
 - (vii) the presence of natural, historical features, buildings or sites;

- (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized; and
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use;
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
- (i) type of use, density, and phasing;
 - (ii) emissions including air, water, noise;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage and landscaping;
 - (v) provisions for pedestrian movement and safety;
 - (vi) management of open space, parks, walkways;
 - (vii) drainage both natural and sub-surface and soil-stability; and
 - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors;
- (8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council;
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
- (i) Council with a clear indication of the nature of proposed development; and
 - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community.
- (10) within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.

**Attachment E:
 Review of Relevant Policies from the Dartmouth MPS**

Policy Criteria	Staff Comment
Policy M-7	
To permit scrap yards, junkyards and salvage yards in areas designated for industrial uses on the generalized land use map...	60 Simmonds Drive has the required Industrial designation.
To require that scrap yards, junkyards and salvage yards be screened by fencing or landscaping or a combination of both...	These requirements are laid out in the I-4 zone of the Dartmouth LUB. The applicant will have to meet the requirements prior to receiving a development permit.
No scrap yard, junkyard or salvage yard shall be permitted which is adjacent to or within a 500 foot radius of: (i) community facilities; (ii) any existing or designated residential area.	The lands within a 500 foot radius of 60 Simmonds Drive are all industrially designated and zoned.
No scrap yard, junkyard or salvage yard shall be permitted where it would not be possible to screen those uses from abutting properties.	Staff advises that it would be possible for 60 Simmonds Drive to meet the screening requirements of the I-4 zone.
Policy IP-1(c)	
The proposal is in conformance with the policies and intent of the Municipal Development Plan.	As well as Policy IP(1)(c), the proposal meets the intent of the industrial designation. The proposal also meets the criteria outlined in Policy M-7, which deals specifically with zone amendments to the I-4 (Salvage) Zone.
The proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal.	The adjacent properties are zoned, designated and occupied by industrial uses. The proposed vehicle depollution service will not lead to significant changes to either the current building or the current use of 60 Simmonds; however, a salvage yard would be permitted as-of-right in the I-4 (Salvage) Zone.

Policy Criteria	Staff Comment
<p>Provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries.</p>	<p>The requirements for buffering, landscaping and screening are laid out in the I-4 zone of the Dartmouth LUB.</p> <p>With regard to traffic, additional trips generated by the new vehicle depollution service are not anticipated to have a negative impact on the performance of Simmonds Drive, Joseph Zatzman Drive or the regional street system.</p>
<p>The proposal is not premature or inappropriate...</p>	<p>Neither the proposed vehicle depollution service nor the permitted salvage yard would be considered premature or inappropriate in consideration of the issues in this policy.</p> <p>As mentioned above, the traffic generated from the proposed vehicle depollution service is not predicted to have a negative impact on the traffic in Burnside Industrial Park.</p>
<p>The proposal is not an obnoxious use.</p>	<p>Staff cannot prejudice a use to be obnoxious.</p>
<p>Controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities.</p>	<p>The policies of the Dartmouth MPS limit staff and Council to consider a rezoning to the I-4 (Salvage) Zone in this case: the option for a development agreement does not exist.</p> <p>If Council wishes to permit vehicle depollution but prohibit a salvage yard at 60 Simmonds Drive, the MPS would need to be amended to add policy to allow a development agreement to be considered.</p>
<p>Suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.</p>	<p>60 Simmonds Drive is no longer a natural landscape; it is paved and generally flat, with a manmade berm to screen views.</p> <p>The 'nuisance factors' listed would not be considered a nuisance from the perspective of Burnside Industrial Park.</p>

Policy Criteria	Staff Comment
All applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents.	A public information meeting was held for this case on April 8, 2008. The minutes are included as Attachment F. Issues raised during the meeting are discussed in the main body of this report.
All zoning amendments are prepared in sufficient detail to provide: (i) Council with a clear indication of the nature of proposed development; and (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community.	The applicant has provided a clear description of their proposed vehicle depollution service. However, Council should be aware that the applicant will not be limited to the proposed vehicle depollution service. If the I-4 (Salvage) Zone is applied to 60 Simmonds Drive, the only uses that will be permitted are salvage yards and their accessory uses.
Within any designation, where a holding zone has been established...	Not applicable to 60 Simmonds Drive.

Attachment F:
Minutes from the Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01247 - Rezoning at 60 Simmonds Drive**

7:00 p.m.

Wednesday, April 8, 2009

Farrell Hall, 276 Windmill Road, Dartmouth

STAFF IN

ATTENDANCE: Mackenzie Stonehocker, Planner, HRM Planning Applications
Kurt Pyle, Supervisor, HRM Planning Applications
Holly Kent, Planning Technician, HRM Planning Applications
Jennifer Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Jim Smith, Councillor for District 9
Trevor Zinck, MLA
Matthew Germain, SNF

PUBLIC IN

ATTENDANCE: 31

The meeting commenced at approximately 7:05 p.m.

Opening remarks / Introductions / Purpose of Meeting

Councillor Jim Smith welcomed everyone to the meeting, explained that he represents the area, and explained that they are interested in public feedback following Ms. Stonehocker's presentation.

Ms. Mackenzie Stonehocker, Planner, Planning Applications, called the meeting to order at approximately 7:05 p.m. at Farrell Hall in Dartmouth.

Ms. Stonehocker advised that the application is for a rezoning application in Burnside at 60 Simmonds Drive in Dartmouth. She introduced Kurt Pyle, Supervisor of Planning Applications for the Eastern Region; Holly Kent, Planning Technician; Jennifer Little, Planning Controller; and on behalf of the applicant, Mathieu Germain of SNF.

Purpose of this meeting

Ms. Stonehocker explained that this public information meeting is the initial stage of the application process and is intended to allow the public to provide feedback. The purpose of the public information meeting is to identify that HRM has received an application, to identify the scope of the rezoning proposal, to provide the public with an overview of the planning process, and to give the public an opportunity to ask questions and make comments.

Ms. Stonehocker reviewed slides showing the property and indicated where HRM owned properties are located. She explained that there are two plans which affect this property:

- The HRM-wide Regional Plan, which designates this property “Urban Settlement”. Referring to a map, she also indicated the other properties that are designated “Urban Settlement” for future land use.
- The second plan that affects this property is the Dartmouth Municipal Planning Strategy. She explained that the Dartmouth plan designates all of Burnside as Industrial for future land use.

All of the properties shown on this map are currently zoned I-2, which is the General Industrial zone.

SNF has applied to rezone their property at 60 Simmonds Drive from I-2 (the General Industrial zone) to I-4 (the Salvage zone). They would like to add vehicle depollution services to their business on this property, and in order to add that particular land use, they need the I-4 (Salvage) zoning.

Reviewing the definition of a salvage yard, Ms. Stonehocker explained that the Dartmouth Municipal Planning Strategy does have a policy for HRM to use when considering a rezoning to the I-4 (Salvage) zone. Policy M-7 allows HRM to consider salvage yards when the land is designated for industrial land uses in the future. It also says that any potential salvage yard must be at least 500 feet away from any community facilities or any residential areas. 60 Simmonds Drive meets both of these requirements.

She added that the policy states that salvage yards must be screened by fencing and landscaping, in order to reduce any adverse impacts on the neighbours. If this screening can't be done, then HRM would not recommend approval of this application. They would also be subject to the requirements of the I-4 zone. In the I-4 zone, only salvage yards and their accessory uses are permitted.

Ms. Stonehocker reviewed some requirements that the applicant would be responsible for, and explained that the applicant will need to provide the Development Officer with proof of all necessary approvals from other agencies, such as Nova Scotia Environment, before they will be issued a development permit.

Overview of planning process

The rezoning process starts with an application. Staff does a preliminary review, to ensure that the municipal planning strategy allows consideration of the request.

After the public information meeting, the comments received from the public will be incorporated into a staff report with a recommendation that will go to Harbour East Community Council. Council will make the final decision on the application. Following Council's decision, there is an appeal period, during which the decision can be appealed to the Nova Scotia Utility and Review Board.

Presentation of Proposed Rezoning - SNF

Matthew Germain, SNF Dartmouth, gave a brief overview of AIM-SNF, explaining that they have been serving the metal industry since 1936 with over 30 sites in operation worldwide. He noted that SNF provides full metal recycling services as well as manufacturing of solder products. They specialize in the storage and transshipment of ferrous and non-ferrous metals.

All metals are received, sorted and shipped to foundries and metal shredding facilities within 48 hours and follow compliance with local, provincial and federal laws and regulations. New activities have been done in anticipation of expansion:

- Implementation of an environmental management system;
- Paving of the yard with rolled compacted concrete;
- Stormwater management;
- Radioactivity detectors;
- Additional scale installed;
- New state-of-the-art equipment; and
- Visual appeal.

He explained that some improvements that will come with the rezoning are:

- Better work conditions;
- Potential environmental treats are eliminated;
- Full stormwater management;
- Ensures that no radioactive materials are in circulation;
- Provides a guarantee that their activities will have no impact on Simmonds Drive, Joseph Zatzman Drive, or the regional street system; and
- Improves the image of the metal industry.

Mr. Germain listed the fluids and hazardous components that will be removed using the new equipment and explained that all activities are done inside the building. The vehicles are depolluted as they are received, with a maximum number of vehicles expected to be 20 at one time. These vehicles will have to be in generally good condition with no visual signs of potential leaking or environmentally unsafe. Once the vehicles are depolluted, they will be shipped to one of SNF's metal shredding facilities for the final metal recovery.

Mr. Germain reviewed some benefits to the population, such as that the project will allow HRM to provide its population with a safe and environmentally-friendly solution to recycle vehicles. Also, SNF will participate in various programs to provide an additional incentive to the population, such as public transit passes, car pooling programs, or environmental association memberships.

Question / Comments

Ms. Michelle Cook, Simmonds Drive, expressed concern about additional traffic and explained that within the past couple of years there has been large trucks that travel the road leaving debris over

the road. She expressed concern that the debris will get worse with the additional traffic that this rezoning may bring.

Mr. Germain expressed his apologies and explained that he wasn't aware of this issue and would look into it. He added that there had been a traffic study completed which proved not to have any impact on the current traffic flow.

Ms. Cook questioned about what will happen with the items that are not metals.

Mr. Germain explained that non hazardous parts will be shipped away.

Ms. Cook asked where the twenty vehicles will be parked while they wait to be stripped.

Mr. Germain explained that only one vehicle at a time can fit inside the building, but it only takes 25 minutes to recycle a vehicle.

Mr. Gerry Pye, Baker Drive, gave a brief explanation of his experience within the municipality and expressed concern with rezoning within the Industrial Park. He noted that this area is currently zoned I-2 and his concern if goes up to the I-4 zone. In 1985-86, when Dartmouth Metals and Bottles was operating on Windmill Road, it was determined that there needed to be a place for salvage operations. It should be contained in a defined area within the Burnside Industrial Park. Negotiations with the owner of the salvage operation were done with respect to relocating his business from Windmill Road to the business park. He expressed concern with the applicant's description of a "cradle to grave" operation and noted that this was incorrect. Since the applicant does not sell the automobile and then take it back, it is not considered a "cradle to grave" operation. He explained that once the operation becomes an I-4, the developer will also have the ability to become salvage operation. He also noted concern with the vehicles being dismantled on site and that the neighbours' assessment will be affected by this development proposal. He explained that when HRM rezones a property, it is important that adjacent property owners are not affected. Finally, he noted that it is important that the lands of the Burnside Industrial Park are utilized appropriately.

Ms. Stonehocker explained that the entire Burnside Industrial Park does have the uniform Industrial designation. Normally the properties are zoned I-2. However, the 1978 Dartmouth plan has been amended to allow Council and staff to consider rezonings to the I-4 (salvage) zone within that industrial designation. This is why HRM is able to consider this application under the Dartmouth plan. With regard to the requirement for a development agreement, if the property is rezoned to the I-4 (salvage) zone, the permitted as-of-right uses are salvage uses. Ms. Stonehocker explained that the Burnside Functional Plan has been approved in principal by Council, but the details have not been worked out; therefore, at this point, there are no policies from the Burnside Functional Plan that could be used to evaluate the proposal.

Mr. Germain explained that SNF manufactures solder products and with these products, they provide a full "cradle to grave" process. He added that they currently receive metals, sort them and send them to other facilities. He explained that this is similar to a salvage yard. The only other equipment that would be permitted in a salvage yard compared to their current yard would be a shredder and foundry; however, these would never be considered by the company due to the property's size. The

only possible activity that they could add on this site would be this recycling project. Mr. Germain welcomed site visits for anyone interested in viewing the property.

Mr. Doug Zinck, Simmonds Drive, asked if the business grows, will the building grow in size and questioned the parking availability. He expressed concern with the on-street parking. Mr. Zinck also asked if the rezoning is approved, will there be a crusher on site or will the vehicles be shipped to another location for that.

Ms. Stonehocker explained that the I-4 (salvage) zone requires a 12 foot high fence. This fence will not start at the street line, but will have to be set back 20 feet from the property line. Within the 20 foot area, there will be landscaping. For further details, she explained that she would have to ask the Development Officer.

Mr. Joe Chissolm, Real Estate Broker, explained that he finds it awkward to sell a client an I-2 zoned property with the property being adjacent to an I-4 zone. He explained that he has spoken with planners who indicated their definition of a salvage application was "an obnoxious use". This view of a salvage yard would lessen the value of nearby properties. He expressed concern with allowing the rezoning because it can allow for a salvage yard. He asked if there is some kind of program to monitor contamination underground.

Mr. Germain explained that they have spoken with the Nova Scotia Department of Environment. They granted them the use of the land to be able to receive cars. He assured Mr. Chissolm that the only intention of the company was to permit 20 vehicles at one time on the site to be recycled.

Mr. Chissolm addressed concern with the possibility of the current owners selling the property in the future. If someone else bought the property, under the I-4 zone, they would be permitted to have a salvage yard.

Mr. Germain explained that they would have to apply for permits.

Ms. Mackenzie explained that if the rezoning was approved, they would apply for a new occupancy permit, which would also be a building permit for the dome. That would let HRM know what services they were planning to do on the site, and staff would evaluate it against the requirements of the I-4 zone.

Mr. Germain explained that if the economy gets better and they receive more metals on site and want to expand their activities, the current market study showed that they can expect to receive a maximum of five cars per day. The reason why they requested up to 20 cars at one time, is in case they have better days than others.

Mr. Chissolm asked if they will be providing a plan view of the site to show how the traffic will be controlled, if the market for scrap goes up.

Mr. Germain explained that the documentation that was used for the application is with HRM staff.

Mr. Chissolm asked about noise management.

Mr. Germain explained that they will be operating the same business as they are currently, so there should be no difference in noise levels.

Mr. Craig Giles, Dyke Road, Cow Bay asked the following questions:

- Why will they not be taking leaking or rusty vehicles if they are trying to be environmentally friendly? These vehicles should be taken off the road.
- Will they be receiving used fluids from the public for proper disposal? He explained that there is a cost for receiving used oils and antifreeze fluids for proper disposal.
- Who will be disposing of the tires? He has concern where the tires will be located while waiting to be disposed of.
- Who will be paying for the bus passes?
- What will stop the company from stockpiling while they wait for the market to increase?

Mr. Germain explained that the reason they don't receive leaking or rusty vehicles is due to the potential hazard and danger to the environment. They try to make the area as safe as possible, especially for the nearby properties. They also will not be receiving any fluids, such as oils from customers, since this also has potential for dangerous spills. He explained that the tires may possibly be shipped to Montreal at the same time as the metals. In relation to Mr. Giles' inquiry about the bus passes, Mr. Germain explained that this is to offer an incentive to their customers and that SNF will be paying for it; negotiations have not been made at this time. Regarding stockpiling, their operational permit [in the I-2 zone] only allows them to keep the metals for up to 48 hours.

Ms. Julia Pelton, Brunswick Street, asked if their scrap usage will meet the guidelines issued by Environment Canada?

Mr. Germain explained that each of their facilities currently meets these guidelines.

Mr. Trevor Zinck, MLA, asked if there will be a marketing plan for advertising their facility explaining the options regarding the bus passes? He asked if there had already done some negotiating to confirm that there will be 20 vehicles at one time. He noted concern with their business plan and the ability to have a salvage yard after the rezoning.

Mr. Germain explained that they have completed research with some businesses in the area, as well as completed market studies which have shown the potential number of cars that they can receive per day or per month. There will be a financial benefit for their company.

Mr. Zinck expressed concern that with allowing the rezoning, there is no guarantee that this property will not be turned into a salvage yard in the future. He is concerned that there are other motives.

Mr. Germain explained that SNF has invested approximately \$2 million into this site because of the market studies that have been performed with allowing these new conditions. He added that if, in the future, new owners wanted to turn the property into a salvage yard, they would not be able to do anymore than is already being done on this property, because of the property's size. The equipment needed for a scrap yard facility would not be permitted because of the size.

Mr. Miles Ferguson expressed concern with a possible hidden agenda, explaining that \$2 million dollars is a lot to spend for 20 cars.

Mr. Germain explained that they are trying to stay competitive with the market.

Some discussion was had regarding the potential of taking business away from other auto salvage companies.

Mr. Harvey Adams, explained that a portion of the Burnside Industrial Park has become residential. He noted that HRM has more than enough capacity to handle salvage yards and recycled vehicles. Why does SNF feel that it would be profitable? He expressed concern with a hidden agenda.

Mr. Germain assured that there is no hidden agenda. The objective is to be able to receive an additional stream of metal. He explained that they want to offer something that is better than a lot of other companies are offering.

Ms. Stonehocker explained that the residential area in Burnside has not been approved. There has been an application to change the zoning of a different part of Burnside. This different part of Burnside is removed from the site of this application. The other application is to rezone to a comprehensive development district, which may or may not include residential or industrial land uses.

Mr. Pye explained that SNF had been sold to a company in the United States called the American Iron Company, and questioned why the American Iron Company was not making the application?

Mr. Germain explained that it is a Canadian company and that the company SNF is owned by the company American Iron and Metal Company. The name is SNF LP.

Ms. Stonehocker explained that SNF LP is the applicant.

Mr. Chissolm asked when SNF Iron and Metal came to Canada, did they incorporate separately from SNF Quebec?

Mr. Germain explained that he could provide more details at a different time.

Mr. Willman, Eastern Passage, owns a salvage company and explained that there are no more permits to be had in the salvage department. It is frozen.

Ms. Stonehocker explained that this would be under the Provincial Licensing System and would be separate from the Municipal Zoning System.

Mr. Germain explained that they have been in contact with Nova Scotia Environment regarding the proper licenses.

Mr. David Giberson, Dartmouth Metals & Bottles Ltd., gave a detailed description of his family-owned business being a scrap metal dealer. He explained that he is strenuously opposed to this

rezoning application. He added that this will not add additional tax dollars to the park. He explained that he didn't feel that SNF's presentation provided their full intent, and that the addition of this scrap yard will only devalue neighboring property values, leading to increased theft and relaxing of environmental standards. He explained that local companies should be given the opportunity to conform to any specific guidelines and upgrade their existing facilities before an outside firm is allowed to open one. He added that his company is able to satisfy all of HRM's scrap metal recycling needs, and that currently only 1 acre of their property is being used to store the city's scrap metal. Mr. Giberson explained that under the current land use, SNF is listed as a "metal transfer facility" on an I-2 zoned property. He explained that there is no 'clean' scrap metal, and that scrap metal consists of old auto parts, engine blocks, car bodies, farm equipment etc. SNF currently buys and sells scrap metal in the exact fashion as Dartmouth Metals & Bottles Ltd. via a lugger and roll-off containers, which are collected and dumped onto the ground where the scrap metal is sorted, processed and shipped to a buyer. He added that since its existence, his company has had to operate in an I-4 zone. He added that SNF is currently violating the I-2 zone, and that they have been for the last 6 to 7 years. He expressed concern that this is an attempt to persuade Council to legalize their current operation, and to enable them to pursue other avenues that may be detrimental to neighboring properties and businesses. He noted that the increased competition has provided an incentive for certain companies to accept fridges without Freon-free stickers and oil tanks without being purged and cut in half. He explained that the volume of scrap metal depends on the growth rate of the province and not on how the scrap metal is divided amongst the park. If the I-4 zone is granted to SNF Metals, this will only increase the complaints from park businesses because of theft, noise, environmental concerns, and neighboring property concerns of devaluation.

Mr. Giberson reviewed the profit calculations for 20 cars per day, and explained that the profit level doesn't seem like much relative to the amount of overhead that is involved with running a scrap metal yard. At this time, he offered to provide Council with any information necessary in order for them to perform proper due diligence before making a decision. If this application is approved, he asked what will prevent another company from opening up next door like so many yards in Montreal? He reiterated that he is strenuously opposed to the approval of this application.

Mr. Germain explained that any company can apply for a rezoning or permit in HRM.

Mr. Glen Lane, Halifax, referred to Mr. Germain's presentation about being "green", and he explained that HRM now has restrictions and guidelines put in place that are followed. He added that he found twelve different companies that perform the same duties; therefore, he does not feel it is necessary to add another facility in this field. He expressed concern with taking away revenues from the other companies.

Mr. Germain agreed that there are other companies who recycle cars; however, they are trying to offer a different approach.

Mr. Peter Giberson, Trail Lake, owns a scrap metal business and is currently operating at only 50% capacity. He does not feel it is necessary to add another scrap metal business in HRM. He expressed concern with a hidden agenda. He asked if there was ever scrap that wasn't moved within 48 hours.

Mr. Germain explained that there have been instances in the past that they've had issues with the machinery and have been delayed, but the scrap had been shipped within 72 hours.

Mr. Giberson noted concern with the property being an eyesore after a bit of time. Some discussion was held regarding their site in Quebec. He explained that there are so many car rubbers and windshields that this type of work needs to be done outside the City.

Mr. Germain assured them that the site has been kept in good shape. He explained that they have proposed this type of equipment because of the difficulties that can arise. He suggested that they review the DVD that was handed out at the beginning of this meeting.

Mr. Doug Conrad, Joseph Zatzman, expressed frustration with a hidden agenda.

Closing comments

Ms. Stonehocker thanked everyone for coming to the meeting and expressing their comments and concerns. She directed the public to her business cards, and asked those who did not get a chance to speak to contact her.

Adjournment

The meeting adjourned at approximately 9:00 p.m.