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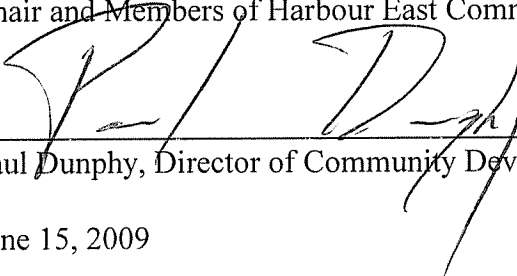


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Harbour East Community Council  
July 2, 2009

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** June 15, 2009

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

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### INFORMATION REPORT

#### 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.
- June 11, 2009 Harbour East Community Council meeting.
- E-mail received from SNF GP Inc. requesting that their rezoning application be put on hold.

## **BACKGROUND / DISCUSSION**

During the June 11, 2009 meeting of Harbour East Community Council, staff was instructed to prepare a supplementary report to answer the following questions raised during first reading:

### **1. (a) Were issues of compatibility raised at the public information meeting?**

Yes. As stated in the staff report, a common concern was that 60 Simmonds Drive was an inappropriate location for either a 'full' salvage yard or the I-4 (Salvage) Zoning.

### **(b) How does this affect staff's interpretation of Policy IP-1(c)?**

Staff believe that an industrial park is the most appropriate and most compatible location for the Industrial I-4 (Salvage) Zone. The criteria in Policy M-7 and the requirements of the Land Use By-law recognize potential issues surrounding salvage yards and address compatibility through landscaping and screening. In this particular case, the properties adjacent to 60 Simmonds Drive also have industrial designations, zones and uses.

### **2. Is there any possibility of contamination of Enchanted Lake?**

60 Simmonds Drive exceeds the requirements of the Dartmouth Land Use By-law for watercourse setbacks and buffers; the property boundary is over 100 metres from the lake. In addition, SNF GP Inc. has implemented an environmental management system based on ISO 14001. Existing site improvements, such as a stormceptor unit and a yard paved with roller compacted concrete, should also improve environmental performance.

### **3. (a) If the rezoning is approved, could a 'full' salvage yard be operated on this property?**

Yes. If the rezoning is approved, HRM would be obligated to issue permits for a 'full' salvage yard at 60 Simmonds Drive, provided the requirements of the I-4 (Salvage) Zone were met. For example, the developer has to show the Development Officer that any approvals required by the province have been obtained. While the vehicle depollution use is considered a 'salvage use' by the Municipality, the limited size of the proposed operation means it is not considered a 'salvage activity' by the province.

**(b) Is the size of this property large enough for a 'full' salvage yard?**

Yes. 60 Simmonds Drive is approximately 3.5 acres in size, which exceeds the lot area requirement of 5000 square feet in the I-4 (Salvage) Zone.

**4. Will permits be required for the vehicle depollution use, or for anything other than the vehicle depollution use?**

Yes. Development permits are required whenever a use of land is changed. Therefore, whether the developer would like to add vehicle depollution – or a different land use – the proposal would require a development permit (and perhaps a building permit, if the building needs to be altered). All permit applications would be reviewed by HRM staff for compliance with the requirements of the I-4 (Salvage) Zone.

**5. Why can't staff base a recommendation on the economic issues mentioned in the staff report?**

Staff may only consider the policies in the Dartmouth Municipal Planning Strategy. Where 'economic effects' are mentioned (e.g. Policy IP-1(c)(4)(ix)), staff interpret this on a more general level. For example, office development is encouraged in Downtown Dartmouth for economic reasons.

In this case, the economic issues raised – such as competition between individual businesses, financial viability, or potential markets (e.g. limited supply of scrap metal) – are much more specific. Staff cannot recommend for or against a proposal based on competition between individual businesses; there are no policies in the Dartmouth MPS and nothing in the Halifax Regional Municipality Charter that would support such a recommendation.

**6. Was the applicant encouraged to pursue a MPS amendment for a site-specific policy to permit the vehicle depollution use through a development agreement?**

The applicant was advised that an application to amend the Dartmouth MPS to add policy specific to their property was an option. However, the applicant was not 'encouraged' to pursue a MPS amendment, since the MPS currently has policy to consider rezoning to the I-4 (Salvage) Zone in industrially designated areas. Staff believe the proposal meets the policy criteria.

**Application on Hold**

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. However, at this time, the applicant has requested the public hearing and decision by Harbour East Community Council be postponed. SNF GP Inc. has requested the delay in order to pursue options (development agreement or new zone) through the plan amendment process that could provide additional restrictions on their operation.

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**BUDGET IMPLICATIONS**

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None.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

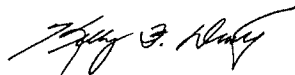
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ATTACHMENTS**

None

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.

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