

NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
November 20, 2006

PRESENT: Ms. Barb Grant, Chair
 Mr. David Grace
 Ms. Ann Merritt
 Councillor Robert Harvey

STAFF: Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:06 p.m.

2. CASE 00929 - APPLICATION BY DOUG MILLER, ON BEHALF OF KAIZER'S AUTO BODY SHOP LTD TO AMEND SACKVILLE MPS AND LUB TO ALLOW COUNCIL TO CONSIDER PERMITTING AN AUTO BODY SHOP ON PID#40608549, SACKVILLE DRIVE

Mr. Andrew Bone, Planner, presented the report advising planning has received an application for auto body uses on Sackville Drive. He advised this is the second stage of the request, noting it has gone to Regional Council and Regional Council has decided there was enough information to take a look at this case and at a later point make a determination whether or not they would make any changes to the MPS.

Mr. Bone advised the main purpose of the meeting is for staff and Council to hear community concerns and to help staff direct the planning process for this case. He noted the site in question is adjacent to 1676 Sackville Drive. The request is to allow an auto body use by development agreement. This proposal is a plan amendment to allow for this particular land use. He noted plan amendments are at the discretion of Regional Council with the subsequent development agreement being at the discretion of the local community council.

Mr. Bone identified the site of Kaizer's Auto Body noting they would like to expand and modernize their operation. They are currently located on Woody's Lane. He noted the site has access to Sackville Drive and proposal is to allow auto body uses on this site and possibly some other commercial uses adjacent to it. The property is approximately three acres in size. The current zoning on the property is R-6 which is a residential zone which allows some small scale commercial and resources uses. The property across the street is zoned commercial as is the existing Kaizer's Auto Body shop.

Mr. Bone outlined the plan amendment process noting:

- Council reviews the proposal to see if there is any merit to reviewing,
- A public information meeting is held,
- A staff report is prepared in consultation with internal departments as well as outside agencies such as the Department of Environment and the Waters Advisory Board,
- A staff report with recommendation is prepared to go forward to Council,

- The staff report goes to the Planning Advisory Committee,
- A recommendation goes from the Planning Advisory Committee is forwarded to Regional Council to schedule a public hearing for the plan amendment process,
- Once plan amendment approved, the development agreement is forwarded to Community Council for approval.

In response to Mr. Vincent as to the time frame from start to finish, Mr. Bone advised it varies and it depends on whether a snag is encountered such as an issue that wasn't anticipated that could elongate the process. He noted the minimum amount of time is approximately six months from start to finish.

On further question, it was noted that if there are any changes in the watercourse, those directly affected will automatically get a mailout.

Two adjacent neighbouring property owners, Ms Debbie Ward and Mrs. Davey, advised they did not receive a mailout.

Mr. Bone noted the questions to be addressed during this meeting tonight are:

- should the auto body uses be permitted on the proposed site,
- are there specific issues with the site,
- if the proposal proceeds should there be anything that need to be consider regarding the use, surrounding properties, etc.
- what are the concerns with the proposal.

Mr. Bone advised that anything at this point is preliminary in nature and subject to negotiation. Staff work with the developer and property owner to work through issues resulting in changes to the proposal. When the proposal gets to Council it is firmed up and in order to keep informed the residents can contact the planner to be updated on a regular basis.

Mr. Doug Miller, Architect, noted he was the architect for Kaizers Auto Sales. He advised he and Mr. Kaizer had had considerable discussion with regard to where he might be able to put a facility. From the standpoint of the existing auto body shop on Woody's Lane, the first consideration was for somewhere that was appropriately zoned where they might be able to find a site to accommodate Mr. Kaizers plans. Initially they tried to see if it was possible to add onto the existing auto sales building. They could not because

the adjacent land has been leased to HRM as part of a sewage treatment system.

He advised there was no place that allowed new auto body uses within the existing area. Mr. Kaizers facility is a legal non conforming use. They contacted other land owners but was unable to obtain property appropriately zoned. The land was C-2 previously but was allowed to revert back to R-6. The subject land is surrounded by C-2. The land is in the path of piped services that will come to that portion of Sackville Drive in the near future.

The technology Mr. Kaizer plans to bring to the auto body shop is new and nothing is being emitted from the paint shop in terms of air pollutants. He noted Mr. Kaizer has been operating a business for the last thirty one years. There is a lot of land on the site, approximately three acres. The building is marginally under ten thousand square feet and there is close to a seventy foot setback in the front yard which will allow for buffering from neighbouring properties.

The Department of Environment has taken and will provide a report on any projected adjustments to the watercourse. There is an impervious roof on the building and the hard surfaces around the building do not absorb water. There is an opportunity for setbacks because of the size of the site. There is an opportunity for a series of check dams and filters in order to collect and reduce the speed of runoff water. He noted HRM will be looking at the more detailed plans. He stated they are aware of the fact that the one thing they do have is a decent amount of land in order to be able to accommodate so that there is no shock or strain on the system. There may be a check dam or a coffer situation to control runoff during a storm. He noted that there is already a business in the community and they did not want to move nine kilometres away. He advised they are asking for a site specific plan amendment.

Mr. Bone advised there is no land available in the Sackville Industrial Park which is the only practical and has a permitted use to establish an auto body shop in the Sackville area. The proposal is for a single building 80 x 120 with a 60 foot setback from Sackville Drive. He noted there is presently a plan by HRM to replace the Lively Sewage Treatment Plant with central services from Pockwock.

In response to a resident, Mr. Bone advised the policy would address what needs to be in the development agreement by way of requirements.

Mr. Bill Woods, Old Sackville Road, expressed concerns with fumes and particles and where the water is going. Staff advised that part of it would be recycled through a carbon filtering system in terms of being able to use shop water internally but any particulate

goes into the oil filter system that is in the floor.

Mr. Woods noted the residences are on wells and are concerned with cars having oil or gas leaks resulting in those fluids going into the ground and into the wells. He stated he does not want children drinking such water and expressed concern with the environmental, as well as air and wells.

In response to a question as to how the changing direction of the watercourse will affect the wells, Mr. Bone advised the Department of Environment has indicated they are not willing to entertain any redirection of the watercourse. There is no ability to redirect or pipe that watercourse. As far as environmental issues that is one of the main things that does get reviewed by staff and any internal within the building will be handled by internal systems because anything internal would end up going through the municipal system and into HRM sewers. They may have to provide filter systems so that they don't discharge contaminated effluent. Externally an impervious surface is used and all water is directed to a treatment system before any discharge into the environment. He stated he will be checking to see what best practices are to ensure that if there is any discharge from vehicles on the exterior of the site there is appropriate treatment. He noted as there are residences in close proximity he will talk to DOE and the waters board.

Mrs. Woods, stated some properties face the building and she will be on side of the building. She stated the properties are currently lined with trees where this building is going to go and was recommending none of the trees be cut down. She reiterated she would like to see all the trees remain and she did not want the road to go through to the Old Sackville Road.

Mr. Bone advised that with a commercial property, HRM would like to have access to the primary roadway in the area and commercial access to a local side street would never be allowed. Access would have to be from Sackville Drive noting the Traffic Authority would have to make that determination and access would have to meet setback from intersection requirements etc.

Mrs. Woods further stated she would like to see the property fenced as there are many young children in the area and would not like them to have the ability to play around the cars. Any storage of vehicles should have a compound around it that is inaccessible.

Mr. Bone advised typically HRM asks for fencing which would be a secure compound noting that it also may be an insurance requirement.

Mr. Bruce Vincent stated that it is the consensus of the surrounding neighbours that the back of the property, unless there is a house being built in there, there should not be any trees cut down for the whole length, don't want any of the back area disturbed.

Mr. Bone referenced the speed of water flow upstream and noted this is nothing Mr. Kaizer would have control over. He advised the main concern staff has is that this site development does not make the problem worse noting HRM can put controls in agreements that manage storm water and specific requirements can be put in to manage the storm water so that there is no increase in flow from the site from a typical storm.

Councillor Johns noted there may be an opportunity to redirect the flow with the development to the new treatment plant.

Mr. Bone advised he is aware of this and HRM is trying to do some things in the area to try to improve some of the drainage. They are going to be doing some storm water improvements in the area to help improve things. Through the agreement HRM can ensure the appropriate clauses, from an engineering level, would manage the flow and prevent any additional flooding downstream.

Ms. Noreen Davey noted the Mount Uniacke Industrial Park has room for this proposed business.

Mr. Brian James, Sackville Drive, noted the site has buried garbage and it should be cleaned up regardless of who owns the land. In response, Mr. Bone advised there may be some issues there and through this process HRM may ask for some geotechnical testing of the site to determine whether there are issues there, what they are and ways to handle it.

Mr. James stated there is a concern with what maybe there more so than what the body shop may produce.

Ms. Ann Merritt commented that depending on what is leaching out of the soil, leaving trees and grass is sometimes the best treatment for things like that and will clean water as it runs through.

Mr. Bone noted the development of the site may enable the clean up of the site.

Councillor Johns asked whether the development agreement will be for the entire site

or is it only for part. In response, Mr. Bone advised that the applicant would like to use as much of the land commercially as possible. What Department of Environment says will determine what is useable land. If the building does not fit on the useable land then that would cause a problem in that they would have to downsize but if there is excess land then he would provide a recommendation on what is reasonable for use of any additional land.

In response to Councillor Johns, Mr. Bone advised hours of operation will be covered in the development agreement. All lighting on the property boundary will be shielded and directed toward the ground within the property boundary. Lighting can also be required for security purposes in certain areas and lighting can be prevented close to property lines.

Mr. Dave Grace received clarification that the property to the right of the proposal is C-2 and it is a vacant lot.

3. CLOSING COMMENTS

Ms. Grant thanked the members of the public for their attendance and input into the proposed development.

4. ADJOURNMENT

The meeting was adjourned at 8:45 p. m.

Julia Horncastle
Legislative Assistant