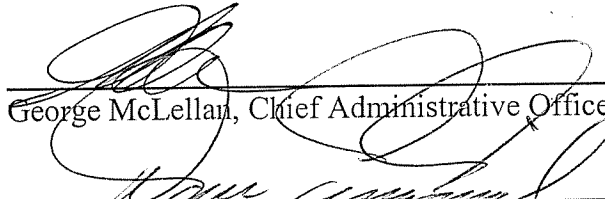
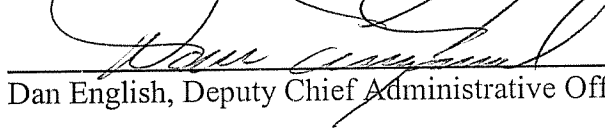


Halifax Regional Council
February 1, 2005

TO: Mayor Peter Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: January 26, 2005

SUBJECT: Case 00589: Timberlea/Lakeside/Beechville MPS and LUB
Amendment - 2894 St. Margaret's Bay Road, Timberlea.

ORIGIN

Request by Bay Self Storage Incorporated to amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law to enable an expansion of an existing Self-storage Facility by development agreement at 2894 St. Margaret's Bay Road, Timberlea.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable an expansion of an existing Self-storage Facility at 2894 St. Margaret's Bay Road, Timberlea, as generally shown on Map 1, by way of development agreement; and
2. Instruct that the MPS amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

BACKGROUND

Location, Designation and Zoning: Bay Self Storage Incorporated, located on St. Margaret's Bay Road in Timberlea (see Map 1), is within the Urban Residential designation on the Generalized Future Land Use Map and zoned C-3 (Service Business) (see Map 2). The subject lands have residential uses to the front and sides and a trail corridor to the rear.

Synopsis of Proposed Development: The applicant wishes to expand an existing self-storage facility at 2894 St. Margaret's Bay Road, Timberlea. The existing facility, Bay Self Storage Inc., comprises two storage buildings on two separate lots which are to be consolidated. One of the storage buildings presently shares a lot (2892) with a building which houses T. A. Products Limited, a metal fabrication and welding business. The present proposal is to construct seven new buildings, for a total of nine buildings on the consolidated lots, one of which is to be a maintenance and office building. The project is to be phased with the existing T. A. Products Limited building to be demolished as part of the final phase.

The present proposal is not permitted under the Municipal Planning Strategy as there are restrictions on the allowed gross floor area¹ (GFA) for each lot. The requested increase in GFA for the self-storage use is substantially greater (about 8 times) than what is presently allowed but, due to the large property, the total proposed expansion is less than the 30% coverage permitted within the C-3 Zone. Policy exists which allows expansion of service commercial uses by development agreement (see Attachment A) but the MPS does not contemplate an extensive expansion of this use on these lands. Therefore an amendment to the MPS to allow a site specific Development Agreement is required.

DISCUSSION

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of an MPS have changed significantly. In this situation the demand for self storage facilities has increased considerably as a result of increased development in the vicinity. Much of this development has been in the form of more compact housing types which have limited storage space. There are very few C-3 Zoned properties within this plan area which could accommodate this use and the amount of expansion proposed. This request then meets the test that there has been a change in circumstances as a result of the increase in demand for this type of facility to serve the needs of the community.

Staff has reviewed the proposal in general and finds that the potential impacts from an expansion of this use on abutting residential properties is minimal. Staff suggest that the most appropriate action may be to incorporate policy in the MPS which will allow a development agreement for the subject

¹ GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

site which would permit an increase in the GFA and require some upgrades such as landscape screening. While there are unresolved issues, staff feels the proposal has merit and it is appropriate to undertake the MPS amendment process.

BUDGET IMPLICATIONS

There are no budget implications.

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. Proceed with the requested amendment. This is recommended for reasons described above. In addition to the required advertisement for the public meeting accessible to the public, property owners in the immediate area will be notified. The area of individual property notification is shown on attached Map 2.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

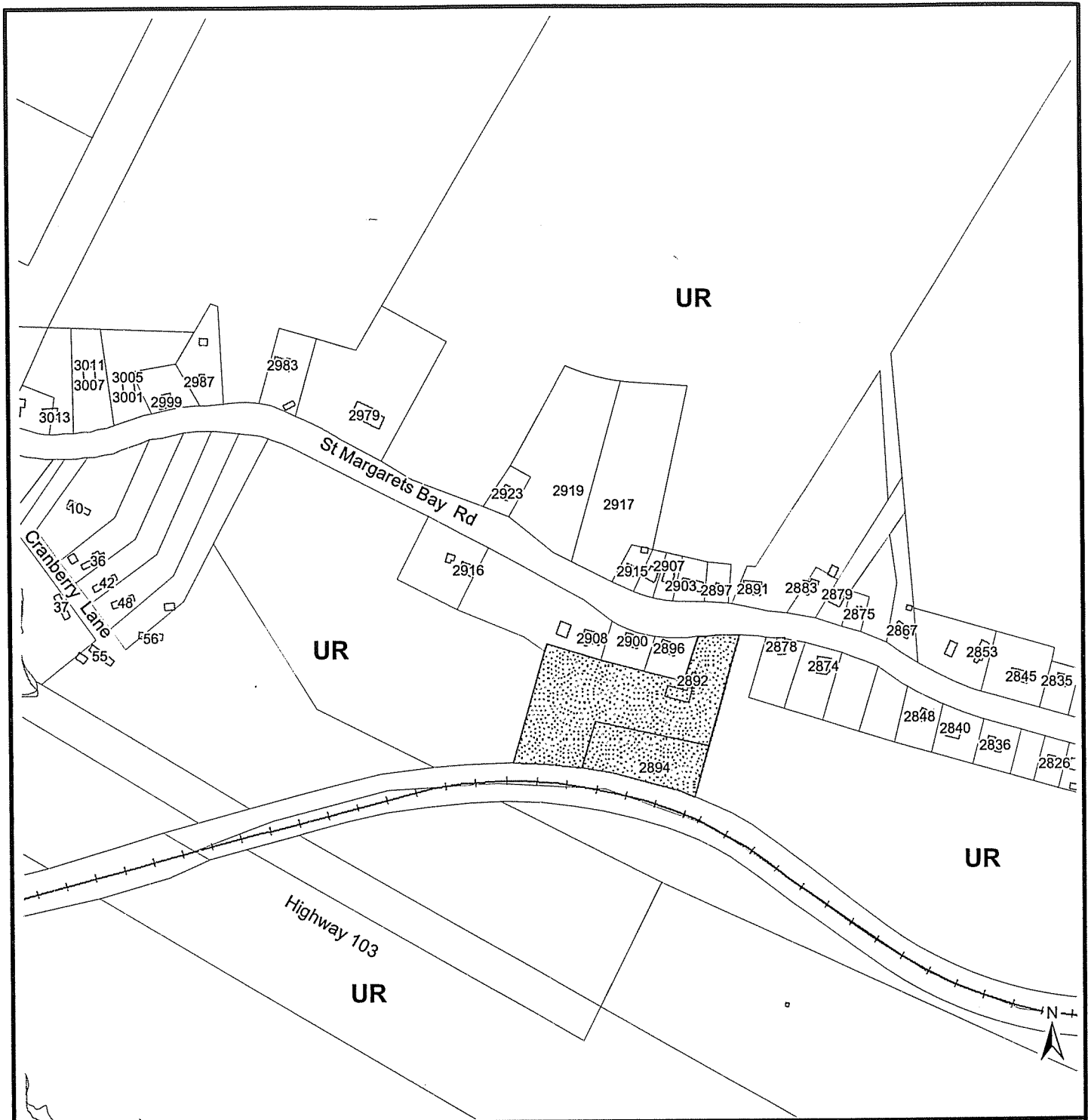
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area
Map 3: Proposed Site Plan
Attachment A: Extracts from the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Randa Wheaton, Planner II, 490-4499

Report Approved by: 
Paul Dunphy, Director of Planning and Development Services



Map 1: Generalized Future Land Use

2894 St. Margaret's Bay Road
Timberlea

 Subject property

Designation

Timberlea/Lakeside/Beechville Plan Area

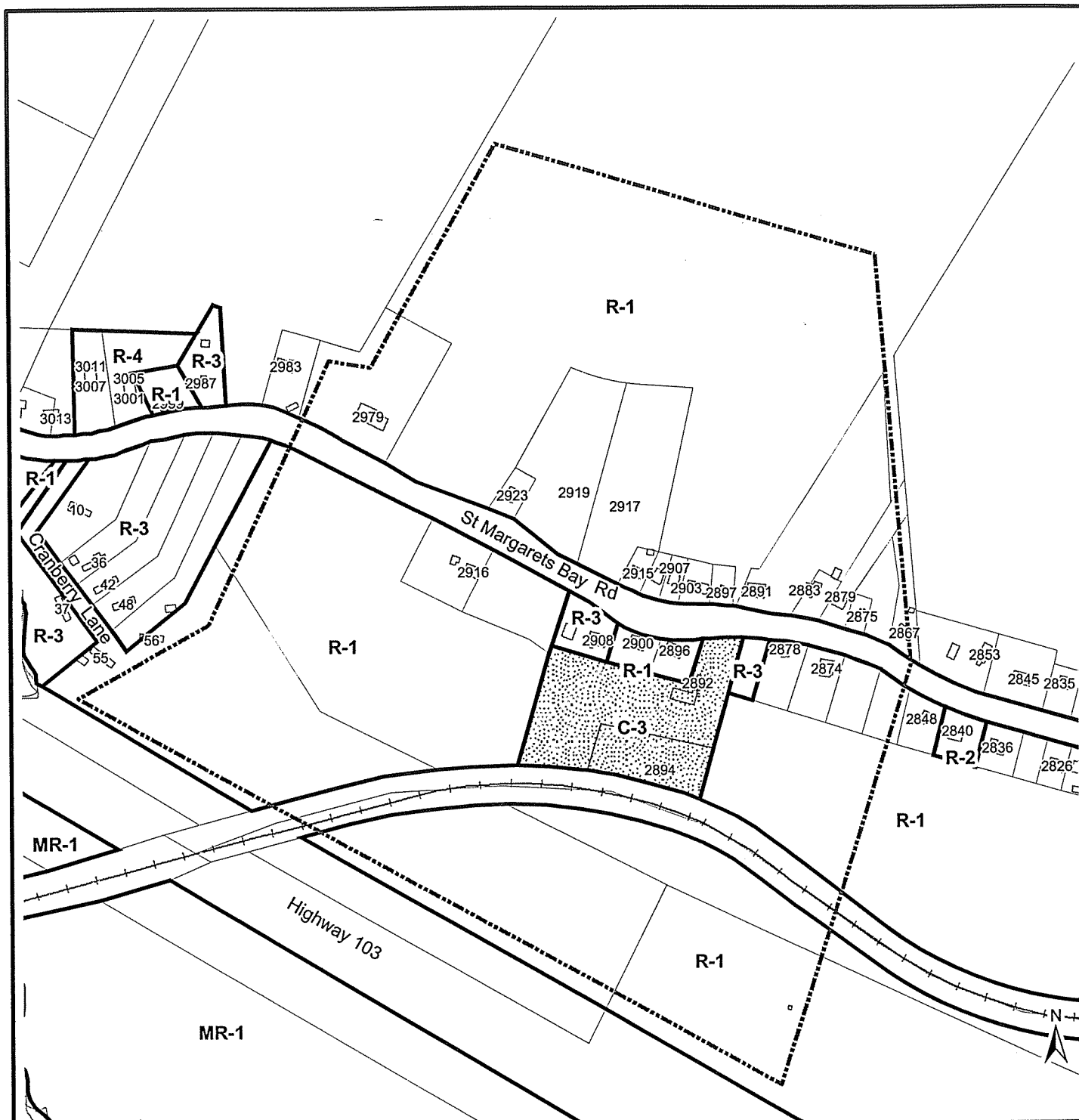
UR Urban Residential

0 40 80 m

HALIFAX
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PLANNING AND
DEVELOPMENT SERVICES

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Timberlea/Lakeside/Beechville Plan Area.



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



Map 2: Location and Zoning

2894 St. Margaret's Bay Road
Timberlea

Zone

-  Subject property
-  Area of notification

Timberlea/Lakeside/Beechville Plan Area

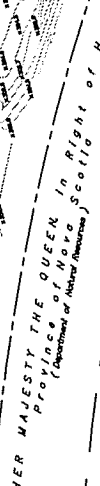
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multi-unit Dwelling
- MR-1 Mixed Resource
- C-3 Service Business

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 40 80 m

This map is an unofficial reproduction of a portion of the Zoning Map for the Timberlea/Lakeside/Beechville Plan Area.

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



WYDS

DATE: 02/21/2004
SCALE: 1" = 30'
FILE NO. 1-11-6 (23862)
PLAN NO. 16-485-1

1	04/07/19	REVISED AS PER 1804 04/07/20 COMMENTS	Appr'd
Rev.	Date	Revision Description	

NOTES

[illegible]

Legend

SEAL	.....	Servant, Denmark, Worldwide & MacDonald Ltd.
F4	.....	Female
✓	.....	Sgt. Pined
✓	.....	Iron bar
CB	.....	Beland
✓	✓
6	.....	Servary Barker
6	.....	USNY Pals 4th Anchor
6	.....	Club
✓	.....	Club
.....	.....	Club List Penco
.....	.....	Overland Wire
6	.....	Cable Sticks

Attachment A

Extracts from the Timberlea/Lakeside/Beechville Municipal Planning Strategy and the Land Use By-law

Timberlea/Lakeside/Beechville Municipal Planning Strategy

Existing Commercial and Industrial Uses

The intent of this strategy is to minimize and, where possible, resolve some of the most serious land use conflicts and to designate areas which are appropriate for development. There remain however, a number of existing commercial and industrial uses located in residential areas, which do not involve serious land use conflicts. The road pattern and the absence of zoning controls until 1982 have produced a mixture of residential, commercial and industrial uses along Highway No. 3. Some of this mix is incongruous with respect to traffic, noise, aesthetics, and suitable separation distances.

These uses are reasonable, however, in terms of the services they provide, their acceptance to the community and their suitability to the immediate area in terms of scale and size.

Other commercial and industrial uses include retail stores, small manufacturing operations, a number of autobody shops and equipment sales and rental shops. In the main, residents have accepted these as part of the community, notwithstanding their residential locations. In order to accommodate these commercial and industrial land uses, zoning and development agreement provisions will be established, which are intended to recognize the existing uses and provide specific control over of any potential expansion. It shall not be the intention to apply these remedies to new uses but only to recognize existing uses.

UR-20 Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to provide for the continued use of commercial and industrial properties through the application of a service business zone which permits service commercial uses of up to five thousand (5,000) square feet in floor area. This zone shall also specifically permit existing uses, including existing buildings which presently exceed the maximum permitted floor area, but shall not permit the establishment of such uses in the future. To offer protection for adjacent uses, open storage, outdoor display, and parking areas shall be regulated. It shall not be the intention of Council to permit future rezoning to a service business zone within the Urban Residential Designation. Further, any proposed expansion of permitted service commercial uses beyond the five thousand (5,000) square foot maximum floor area permitted in the zone, may be considered according to the development agreement provisions of the Planning Act, subject to the criteria outlined in Policy UR-22.

There are a number of general commercial uses located along the Bay Road including grocery stores and gas stations which are located outside of a commercial designation. These uses could not be considered to be local in nature nor are they similar to existing uses to which the

service business zone will be applied. Therefore, it is appropriate to apply the general business zone to these few properties .

UR-21 Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to accommodate a number of existing commercial operations with direct access to Highway No. 3 through the application of a general business zone (Policy CC-2). It shall not be the intention of Council to permit future rezoning to a general business zone within the Urban Residential Designation.

Although it is appropriate to provide for the continued development of some existing uses in the designation through application of service business and general commercial zoning, a number of these uses are situated in areas where commercial zoning is not appropriate by reason of inadequate access, small lot sizes or location on local streets. In order to provide some expansion rights while ensuring protection of any neighbourhood in which they are located, development agreements will be used.

UR-22 Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to provide for the continued use of commercial and industrial properties identified in Appendix "B" of the land use by-law. Further, Council shall consider any proposed expansion or change of such uses according to the development agreement provisions of the Planning Act. In considering any expansion proposal or change of use, Council shall have regard to the following:

- (a) that site design details, including landscaping, buffering, outdoor storage areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent residential development, and to provide for the needs of users of the development;
- (b) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior appearance and signage;
- (c) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (d) that municipal central services or, in unserved areas, on-site services, are capable of supporting the development;
- (e) an assessment of the environmental concerns related to the development, including potential effects on watercourses, based on a report from the appropriate Federal or Provincial government authority;
- (f) hours of operation;
- (g) that the maximum gross floor area of the proposed development, exclusive of any area devoted to an accessory dwelling unit, shall not exceed six thousand five hundred (6,500) square feet;
- (h) maintenance of the development; and

- (i) the provisions of Policy IM-12.

IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:

- (a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity to school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to, or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
 - (vi) the proposed means of handling storm water and general drainage within and from the development. RC - October 30, 2001 E / December 8, 2001
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage and outdoor display;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.
- (e) 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.
(RC July 2, 2002 / E - August 17, 2002)

Timberlea/Lakeside/Beechville Land Use By-law

PART 3: ZONES AND ZONING MAPS

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with the development agreement provisions of the Planning Act. As provided for by Policy IM-10 of the Municipal Planning Strategy for Timberlea/Lakeside/Beechville, such uses are as follows:

- (a) mobile home parks and expansions of existing mobile home parks;
- (b) townhouse developments;
- (c) senior citizen housing;
- (d) medical clinics and day care facilities;
- (e) residential care facilities;
- (f) expansion of service commercial uses;
- (g) expansions or change of use of commercial and industrial uses identified in Appendix "B";
- (h) expansions of the Halifax Sufferance Warehouse;
- (i) dwelling units above the first floor of commercial buildings;
- (j) shopping plazas and malls with greater than fifty thousand (50,000) square feet (4645.2 m²) of floor area;
- (k) taverns and other commercial entertainment uses;
- (l) extractive facilities and bulk storage of aggregate or minerals; and
- (m) the development of uses within any CDD (Comprehensive Development District) Zone.

PART 14: C-3 (SERVICE BUSINESS) ZONE

14.1 C-3 USES PERMITTED

No development permit shall be issued in any C-3 Zone except for the following:

Commercial Uses

Retail stores
Food Stores
Service and personal service shops
Offices Banks and financial institutions
Restaurants except drive-in and take-out restaurants
Nursery and commercial greenhouse operations
Medical, dental and veterinary clinics
Post offices
Plumbing, heating, electrical, carpentry and other special trade contracting services and shops, except welding, auto repair, and metal fabrication shops.

Self-storage facility (WRCC June 24, 2002 / E - July 14, 2002)

Existing uses as follows:

<u>Use</u>	<u>Civic Address</u>	<u>LRIS Index Number</u>
R and R Pools	1949 Bay Road	40026726
Ewing's Autobody	2581 Bay Road	40050155
Atlantic Micro Computers	2777 Bay Road	40054249
T. A. Products	2892 Bay Road	40305369
		40054470
		40054538
Carlsen's Manufacturing	3156 Bay Road	40304339
H. Longard's Enterprises Ltd.	2449 Bay Road	40027625
		40027609
		40027633
M. Longard's Trucking	2206 Bay Road	40160509
Timberlea Dive Shop	2810 Bay Road	40592479

Residential Uses

Single unit dwellings including a dwelling unit for maintenance or security personnel
Business Uses in conjunction with permitted dwellings

Community Uses

All uses permitted in the P-2 (Community Facility) Zone

14.2 C-3 ZONE REQUIREMENTS

In any C-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Frontage:	central sewer and water services	75 feet
	on-site services	100 feet
Minimum Lot Area	central services	10,000 square feet (929 m ²)
	on-site services	20,000 square feet (1,858 m)
Minimum Front or Flankage Yard		30 feet
Minimum Rear or Side Yard		25 feet
Maximum Lot Coverage		30 percent
Maximum Height of Main Building		35 feet

14.3 OTHER REQUIREMENTS: FLOOR AREA AND BUILDING SEPARATION

- (a) The gross floor area of all buildings on any lot in a C-3 Zone, excluding permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m²).
- (b) No main building within any C-3 Zone shall be located within fifty (50) feet of a dwelling on any abutting lot.