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Item No. 11.1.5
Halifax Regional Council
September 22, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer
Original Signed
Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 28, 2015

SUBJECT: Case 20072: Application to amend the Municipal Planning Strategy and Land Use By-law for Planning District 5 for 786 and 792 Old Sambro Road, Harrietsfield

ORIGIN

Application by KVM Consultants

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

1. Initiate the process to consider amending the Municipal Planning Strategy and Land Use By-law for Planning District 5 to enable the lands at 786 and 792 Old Sambro Road, Harrietsfield to be developed with commercial and industrial uses; and
2. Follow the public participation program as contained in Attachment A of this report.

BACKGROUND

The subject properties, 786 and 792 Old Sambro Road, are located in the community of Harrietsfield, (Map 1) and KVM Consultants, on behalf of the property owner Steel-n-Motion Inc., has submitted this application to enable the lands to be developed with a mobile welding business. This proposal cannot be considered under the existing policy and zoning of the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 5 and therefore, the applicant is seeking an amendment to the MPS and LUB.

Location, Surrounding Area

The subject properties are:

- 4,065.6 square metres (43,762 square feet) in area and have 54.9 metres (180 feet) of frontage on Old Sambro Road; and
- developed with a vacant single unit dwelling at 792 Old Sambro Road, while 786 Old Sambro Road is undeveloped.

The surrounding area is comprised of a mix of commercial, industrial, and residential uses which include:

- a construction office, located at 780 Old Sambro Road;
- the Harrietsfield Industrial Park located across Old Sambro Road;
- several auto repair shops, located at 793, 801 and 806 Old Sambro Road;
- two non-conforming residential properties that are zoned C-5, located at 789 and 800 Old Sambro Road; and
- residential properties zoned R-2, located at 34 and 46 Duggan Lane (Map 2) which, including the subject properties, form part of a cluster of residentially designated and zoned properties in the area (25 properties in total), with the majority of these properties located to the north (Maps 1 and 2).

Designation and Zoning

The subject properties are:

- designated Residential under the MPS (Map 1); and
- zoned R-2 under the LUB (Map 2).

Existing Planning Policies and Zoning Context

The subject properties are located at the edge of the Residential designation and abut the Industrial-Commercial designation. In 1988, the former County of Halifax adopted the MPS and LUB for Planning District 5. The northwest portion of the plan area was designated Industrial-Commercial with the intention to concentrate industrial and larger commercial uses in one location. In the planning documents approved by Council, a cluster of residential properties located in this area was designated Industrial-Commercial within the MPS but zoned R-2 in the LUB, to respect the existing residential uses developed on the lands. However, in response to public opposition, the designation of these same properties was changed to Residential by the Province as part of their approval of the MPS. The designation boundaries have not changed since 1988 and were included in the re-adopted MPS and LUB that was approved in 1995.

The intent of the Residential designation is to support existing residential areas, as well as promoting new, low density residential development throughout the designation. It further supports those uses associated with residential uses such as day cares and home based business and fishery uses which are considered traditional to the area.

The Industrial-Commercial designation supports the concentration of industrial and commercial lands to curtail land use conflicts with other types of uses while supporting the economic benefit of commercial and industrial uses. Policy IC-2 considers the creation of the C-5 Zone which is to be applied to properties within the Industrial-Commercial designation and is considered the base zone for the plan area.

Initial Proposal (Planning Case #19894)

This application was initially considered as a rezoning. The applicant requested that the subject properties be rezoned from R-2 to C-5 (Industrial Commercial Mix) Zone as MPS mapping had shown the properties were already within the Industrial-Commercial Designation. During the public information meeting for the application held on June 25, 2015, a member of the public expressed that they understood the properties were within the Residential designation (Attachment C). As a result of this comment, staff researched the background regarding the adoption of the plan and found that the mapping was in error and that the properties were in fact designated Residential. As such, the application could not move forward as the Residential designation does not enable the consideration of the C-5 Zone by rezoning.

Current Proposal

The applicant now has requested that the designation for the subject properties be changed from Residential to Industrial-Commercial and further, be rezoned from the R-2 Zone to the C-5 Zone to allow for the development of a mobile welding business. It is anticipated that the main activities on the subject properties would include training, indoor vehicle storage and office operations with 2 to 3 staff. The C-5 Zone permits a mix of commercial and industrial uses (Attachment B).

DISCUSSION

MPS Amendment Process

The MPS for Planning District 5 is a strategic policy document which sets out the goals, objectives and direction for long term growth and development for the communities within the Chebucto Peninsula. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

As part of the planning process for site-specific MPS amendment requests, a significant justification is required as part of the application. As such, to support the request to amend the MPS, the applicant has prepared a written submission. The following is a brief summary of the applicant's rationale for the proposed amendments:

- the properties are no longer used for residential purposes; and
- the proposed use fits with the character of the area and the overall intent of the MPS to concentrate commercial and industrial uses.

Evaluation of Proposed Amendments

Through an analysis of the proposal, staff advises that there is merit to consider the proposed MPS amendment. The intent of applying the Residential designation over the 25 properties in this area was to support the retention of their use as existing residential properties. However, the subject properties have not been used for residential purposes for several years and their re-development with residential uses is questionable in light of the surrounding mix of uses.

The subject properties are mainly surrounded by existing industrial and commercial uses including a construction office, auto repair shops, and the Harrietsfield Industrial Park. While the lands are located within a cluster of residentially designated and zoned properties, the majority of the properties are located to the north, except for two lots along Duggan Lane (Map 1). The subject properties are also near or across from other residential uses in the area but those uses are non-conforming and the properties could be developed for industrial and commercial uses in the future. As such, staff advises that there is merit in considering the proposed amendments to the MPS and LUB documents.

The proposed request could result in the subject properties being rezoned to C-5 and staff will need to consider the potential impacts of all C-5 Zone uses on the surrounding area. If the lands are rezoned, the applicant could apply for any use permitted within the C-5 Zone, not just a welding business. Thus, the planning process will also include a review of the C-5 Zone requirements to consider modifications to the zone for the subject properties to further minimize land use conflicts.

Conclusion

In light of the subject properties no longer being used for residential purposes, situated at the edge of the Residential designation, and located near a number of industrial and commercial properties, staff recommend Regional Council initiate the process to amend the Planning District 5 MPS and LUB for the subject properties.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/2016 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process as outlined in this report, or to enable an alternative proposal, the *HRM Charter* requires that Regional Council approve a public participation program when considering any amendment to a MPS.

In this case, staff will generally follow the same public participation program as approved by Regional Council in February 1997 which requires a Public Information Meeting (PIM). In light of the fact a PIM was already undertaken for the proposed industrial-commercial use, staff recommends that public participation for this application be achieved through information notices posted on the website and mailed to residents within the notification area (Map 2), as an alternative to another PIM as outlined in Attachment A.

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, business owners, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

No additional concerns have been identified beyond those raised in this report.

ALTERNATIVES

1. Regional Council may choose to refuse to initiate the MPS amendment process for this proposal. A decision of Council to not initiate the potential amendments is not appealable to the N. S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

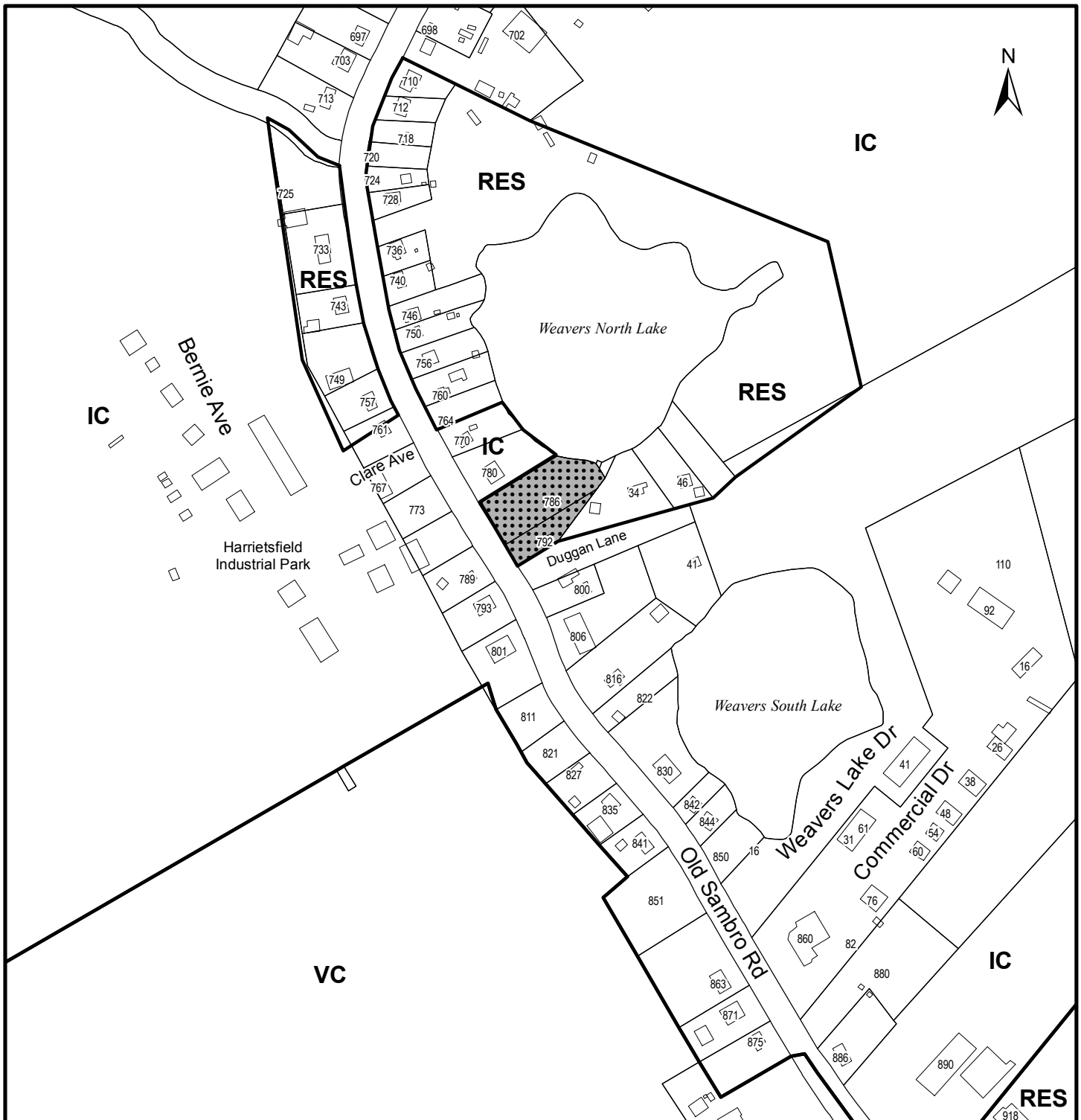
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Attachment A	Public Participation Program
Attachment B	Excerpt from Land Use By-law for Planning District 5
Attachment C	Minutes of Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jillian MacLellan, Planner, Development Approvals, 902-490-4423

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902-490-4800

Report Approved by: _____
Bob Bjerke, Chief Planner and Director, Planning and Development, 902-490-1627



Map 1 - Generalized Future Land Use

786 and 792 Old Sambro Road
Harrietsfield

 Subject Properties

Designations

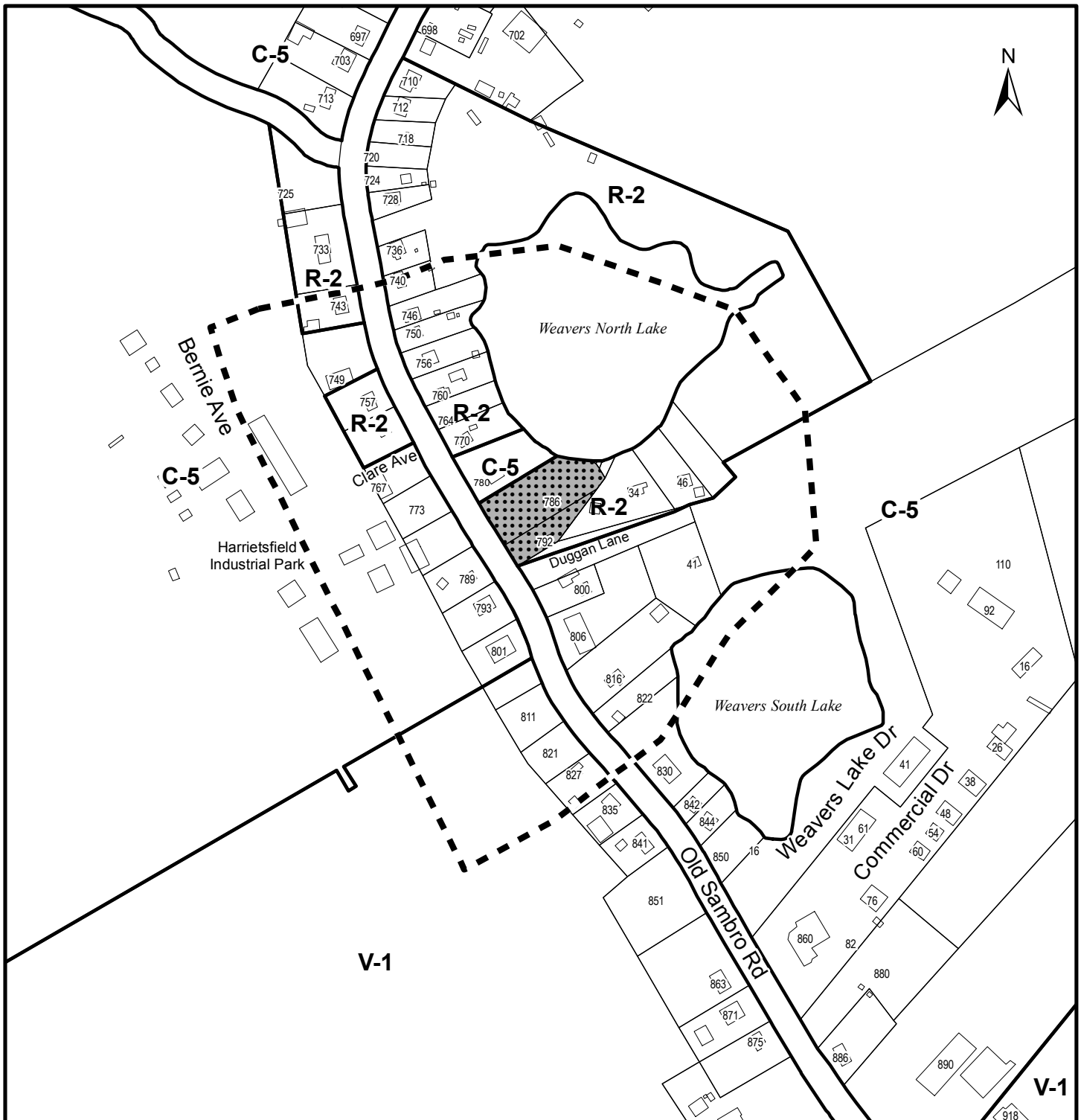
IC Industrial Commercial
VC Village Centre
RES Residential

0 40 80 120 m

This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

The accuracy of any representation on
this plan is not guaranteed.


Planning District 5
(Chebucto Peninsula) Plan Area



Map 2 - Zoning and Notification

786 and 792 Old Sambro Road
Harrietsfield

 Subject Properties

 Area of notification

Zones

R-2 Two Unit Dwelling
C-5 Industrial Commercial Mix
V-1 Harrietsfield Village Centre

0 40 80 120 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning District 5
(Chebucto Peninsula) Land Use By-Law

Attachment A:
Public Participation Program for Proposed Amendment
to the Municipal Planning Strategy and Land Use By-law for
Planning District 5 for 786 and 792 Old Sambro Road

Purpose:

To obtain input from community members regarding the proposed amendment to the Municipal Planning Strategy and Land Use By-law for Planning District 5, while recognizing that a public information meeting regarding the proposed industrial commercial use has already taken place in the community.

Jurisdiction:

The proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 will impact the development abilities on the properties at 786 and 792 Old Sambro Road and will require a public hearing prior to Regional Council considering the approval of any amendments. All amendments to the Municipal Planning Strategy are within the sole jurisdiction of Regional Council.

Process:

A community based public participation program as generally described in the public participation program as approved by Council February 1997 is required. As a public information meeting has already been undertaken for the proposed industrial commercial use, staff recommend that in lieu of an additional public meeting further public participation is achieved through information notices posted on the website and mailed to residents within the community. Steps in the process are as follows:

- Consult the community through information notices mailed to residents.
- Use of the HRM website to provide information to the general public.
- Conduct further review of the topics with internal and external.
- Prepare a staff report outlining the results of the public participation process and staff's recommendation.
- Present staff report to the Halifax and West Community Council prior to going to Regional Council.

**Attachment B:
Excerpt from Land Use By-law for Planning District 5**

PART 18: C-5 (INDUSTRIAL COMMERCIAL MIX) ZONE

18.1 C-5 USES PERMITTED

No development permit shall be issued in any C-5 (Industrial Commercial Mix) Zone except for the following:

All uses permitted in the C-2 Zone, except single and two unit dwellings.

Any industrial, assembly, or manufacturing operation which is conducted and wholly contained within a building and which does not involve process water treatment;

Service industries;

General contracting storage yards and services;

Machinery sales and service outlets;

Service stations;

Trucking, landscaping and excavating services;

Automotive repair outlets and auto body shops;

Warehouses;

Hotels and motels;

Restaurants including drive-in and take out restaurants;

Outdoor display courts;

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

Mobile dwellings and single unit dwellings which are accessory to any permitted use.

Composting operations (see section 4.29)(MC-Feb 26/96;E-Mar 28/96)

18.2 C-5 ZONE REQUIREMENTS

In any C-5 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (32.84 m)
Minimum Front or Flankage Yard	30 feet (4.1 m)
Minimum Rear or Side Yard	15 feet (4.5 m)
Minimum Separation Distance Between	
Accessory Buildings	15 feet (4.5 m)
Maximum Height of Main Building	35 feet (10.7 m)

18.3 OTHER REQUIREMENTS: SINGLE AND TWO UNIT DWELLINGS

Notwithstanding Section 18.1, no person shall erect any single or two unit dwelling unless such a dwelling is located on a lot in existence on the effective date of this By-law, except where a single or two unit dwelling is accessory to any permitted use.

18.4 OTHER REQUIREMENTS: SEPARATION DISTANCES

- (a) Where any C-5 Zone abuts any park or conservation zone, no building or structure shall be permitted within fifty (50) feet (16.4 m) of the abutting zone.
- (b) Where any commercial or industrial use in any C-5 Zone abuts any residential or community facility use, no building or structure shall be permitted within fifty (50)

feet (16.4 m) of the abutting use.

- (c) Where any C-5 Zone abuts any other zone, no bulk fuel storage tanks shall be permitted within one hundred (100) feet (32.84 m) of the abutting zone, and in no case shall any bulk fuel storage tanks be located within one hundred (100) feet of a residential use.

18.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY, PARKING AND LOADING AREAS

- (a) No open storage shall be permitted in any required front or side yard.
- (b) No outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.
- (c) No open storage or outdoor display shall be permitted in any yard which abuts any residential or community facility use except where a visual barrier is provided.
- (d) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community facility use except where a visual barrier is provided.
- (e) Notwithstanding the provisions of Section 4.27, the parking area shall be paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.

18.6 OTHER REQUIREMENTS: ENVIRONMENTAL

No building, structure, open storage or parking area shall be located within twenty-five (25) feet of Fish Brook or within twenty-five (25) feet of Spruce Hill Lake.

18.7 OTHER REQUIREMENTS: SERVICE STATIONS

Where a service station is erected in any C-5 Zone, the following shall apply:

- (a) Minimum Lot Area: 30,000 square feet (2787 m²);
- (b) Minimum Lot Frontage: 150 feet (45.7 m);
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line;
- (d) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m);
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (16.4 m);
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees;
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m);
- (h) Any materials or automobiles being stored as part of the service station operation shall be enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

18.8 OTHER REQUIREMENTS: AUTO BODY SHOPS

- (a) Any materials associated with an auto body shop operation shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.
- (b) No open storage of vehicles or equipment shall be permitted within any required yard.

18.9 OTHER REQUIREMENTS: ONE MAIN BUILDING ON A LOT

No person shall erect more than one (1) main industrial or commercial building on a lot within any C-5 (Industrial Commercial Mix) Zone. Developments which involve more than one main commercial or industrial building on a lot may be considered by development agreement subject to Policy P-81 of the Municipal Planning Strategy and Section 3.6 of this By-law.

18.10 OTHER REQUIREMENTS: USES WITHIN 250 FEET

Notwithstanding Section 18.2, no development permit shall be issued for any commercial or industrial use located within 250 feet of the Old Sambro Road north of Fish Brook, or within 250 feet of Long Lake Provincial Park, except pursuant to Section 3.6(j) of this By-law.

**Attachment C:
Minutes of Public Information Meeting (Case 19894)**

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19894**

**Monday, June 25, 2015
7:00 p.m.**

Captain William Spry Centre (Kidston Activity Room)

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Development Approvals
Alden Thurston, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Trevor Adams, KVM Consultants Limited
Eirik Larsen, Steel-In-Motion Inc., Property Owner

REGRETS: Councillor Stephen Adams, District 11

PUBLIC IN

ATTENDANCE: Approximately 7

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

1. Call to order, purpose of meeting – Jillian MacLellan

Ms. MacLellan introduced herself as the Planner facilitating this application through the planning process; Alden Thurston and Cara McFarlane, HRM Development Approvals; Trevor Adams, KVM Consultant Limited; Eirik Larsen, Steel-In-Motion Inc.; Councillor Stephen Adams, District 11, sent his regrets.

Case 19894 is a proposed rezoning at 786 to 792 Old Sambro Road in Harrietsfield.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify that an application has been received, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions will be made at this PIM.

2. Overview of planning process – Jillian MacLellan

The planning process: HRM receives an application; A PIM is held; HRM Staff performs a detailed review (Department of Transportation, Department of Environment (DOE), Development Services, etc.); Staff will draft a report along with a recommendation advising North West Community Council (NWCC) whether or not the rezoning is appropriate for this site; NWCC will schedule a public hearing where they would render a decision to approve or reject the proposal; and If approved, a two-week appeal period would follow.

3. Presentation of Proposal – Jillian MacLellan

KVM Consultants, on behalf of Steel-In-Motion Inc., is proposing to rezone the subject properties from the R-2 (Two Unit Dwelling) Zone to the C-5 (Industrial Commercial Mix) Zone to enable a development for a mobile welding business.

The properties (one houses a single unit dwelling and the other is vacant) are located along Old Sambro Road at the corner of Duggan Lane and across the street from the Harrietsfield Industrial Park. Beside the property is a construction office and there are some residential properties in the area.

Photos of the properties were shown.

The subject properties are designated Industrial Commercial in the Municipal Planning Strategy (MPS) for Planning District 5 which anticipates the concentration of all heavy industrial and commercial uses to be located in one area. The base zone for this area is the C-5 Zone.

When the plan was implemented in 1996, some properties with residential uses on them were designated residential and zoned R-2. The Policy that implements the C-5 Zone does not allow for residential uses; therefore, to ensure residents could continue to live in the area, do home renovations or build accessory buildings, the R-2 Zone was applied.

The R-2 Zone allows for residential uses, daycares, home occupations, open space uses and fishery support uses with a height requirement of 35 feet, lot coverage of 35% and setbacks of 20 feet from the front yard and 8 feet from the rear and side yards.

The C-5 Zone allows for a wide range of commercial and industrial uses, community facility uses and buildings that are accessory to one of these uses. Similar to the R-2 Zone there is a height requirement of 35 feet, lot coverage of 35% and setbacks of 30 feet from front yard and 15 feet from the rear and side yards. These yard requirements are larger if you are abutting a residential use, park or open space.

Presentation of Proposal – Eirik Larsen, Steel-In-Motion Inc.

The proposal is to build a 100' x 60' steel commercial building to house a mobile welding business. The building would be constructed to the proper standards and the existing house demolished.

4. Questions and Comments

Tom Newton, Old Sambro Road – Years ago the community requested, and was granted, to have the area zoned R-2. The residents who had a C-2 Zone at the time requested the R-2 Zone as well. This was to help protect the lake. Why consider this proposal? **Ms. MacLellan** – The Policy permits applying the R-2 Zone or retaining a zone on the properties that already have residential uses. However, the base zone in the area is the C-5 Zone. A property can retain the R-2 Zone while being used for residential uses but if a commercial or industrial use is desired, the C-5 Zone could be applied. There is very little policy regarding the lake. **Mr. Newton** – The request is for a mobile business but what stops the applicant from using the property for a permanent use (referenced a business that was run downtown by the applicant). **Ms. MacLellan** – If the property is rezoned, any use under the C-5 Zone would be permitted. **Mr. Larsen** noted that he did not own or have any association with the aforementioned downtown company.

Danny Steele, Old Sambro Road – What will be the hours of operation? **Mr. Larsen** – Normal hours would be 8:00 am to 4:30 pm but it would be rare that the applicant would be onsite.

Mr. Steele – What is the energy dissipation pad (referring to the site plan)? **Trevor Adams, KVM Consultants Limited** – It is an area that will slow down the stormwater before it goes to the lake to avoid erosion of the bank and the road being washed out. **Mr. Steele** – Where will the outflow from the lake be? Currently, there is an issue with water level and an increase would cause flooding in his backyard. **Mr. Larsen** - This proposal will not add any stormwater. There is some rock there now that slows down the water coming from the ditch on Duggans Lane.

Mr. Steele – How many employees will there be? **Mr. Larsen** – There would be two employees (himself and one other) and possible a third to answer the phones.

Mr. Steele – How much machinery would be housed in the building? There has always been an issue with power supply in the area. **Mr. Larsen** – There will be two bays which will house one truck each. Nova Scotia Power (NSP) has already been to the site. **Ms. MacLellan** – She will include NSP as part of the review.

Patricia Newton, Old Sambro Road – Will the machinery run all night? What about wildlife in the lake? **Mr. Larsen** – The proposed building is 100 feet away from the lake and will have no effect. **Ms. MacLellan** – There is quite a significant setback from the lake but this application will go to NSE for comment. **Ms. Newton** – There have been environmental issues in the past. **Mr. Larsen** – The septic system is state of the art and very clean. Nothing goes into the lake.

Mr. Newton – Will there be any infilling? **Mr. Larsen** said there wouldn't be.

Mr. Steele – The plans suggests there will be future storage. **Mr. Larsen** – Nothing is going to happen in that area. The plan is to demolish the existing house and clean up the property.

Mr. Steele – Is there nothing available in the two existing industrial parks in the area? **Mr. Larsen** said there wasn't.

Ms. Newton – It is a very big building to have an office. **Ms. MacLellan** – The building will also be used for the storage of the welding trucks.

5. Closing Comments

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

6. Adjournment

The meeting adjourned at approximately 7:25 p.m.