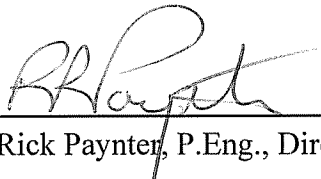


Halifax Regional Council
December 17, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Rick Paynter, P.Eng., Director, Public Works & Transportation

DATE: December 10, 2002

SUBJECT: Car Dealership Encroachments

INFORMATION REPORT

ORIGIN

Halifax Regional Council meeting of August 27, 2002, Item 11.1.4 - Encroachment - 3240 Kempt Road.

BACKGROUND

At their August 27 meeting, Council refused an application by Halifax BMW Limited to allow a permanent vehicle display structure to encroach on the street at 3240 Kempt Road. At that meeting, Council asked that staff follow up on other possible unauthorized street encroachments by car dealerships. This report provides outlines staff's findings to date.

DISCUSSION

Staff has undertaken a review of most of the car dealerships within HRM. Many of the companies have some encroachments in the form of parked vehicles or portable display ramps within the Municipality's street right of way. However, the degree of the encroachment varies depending on whether or not there is a defined sidewalk.

In the Kempt Road area, there are significant sections with no defined sidewalks where the dealerships park vehicles right up to the curb and almost entirely within the right of way (see typical photo 1). In most of the other areas, there are defined sidewalks and abutting dealerships keep their vehicles back, however, there still are encroachments in some cases (see typical photo 2).

Although there are various car dealership encroachments throughout the Municipality, the most significant, in staff's view, are in the Kempt Road area. To address all of the encroachments or even just the Kempt Road situation may be a significant undertaking, as it will impact many dealers and will raise the question of unauthorized encroachments by businesses other than car dealerships. Staff are reviewing options and implications on approaches to the issue as follows:

One option is to take no action at this time. The encroachments are generally mobile and can be removed at any time. HRM has not received many complaints that car dealer encroachments are causing a pedestrian impediment or any other problem. If a complaint is received, the dealer is informed and the problem is addressed by moving the encroachment.

Another approach would be to remove all encroachments. This would be a significant undertaking and would affect a large number of dealerships. The dealerships would lose a significant area for parking their vehicles and some may have to reduce the number of vehicles in stock. As this may have a negative effect on business, the dealerships may resist which could result in an on-going dialogue involving a large amount of staff time. Further, the dealerships may question why their business is being singled out and request that other businesses which encroach to also remove encroachments.

A third approach would be to enter into agreements with all the dealerships which have encroachments. Under this scenario, mobile encroachments could remain within the right of way on the basis of an agreement and the dealership would be required to pay an encroachment fee to HRM. This would require significant staff resources for dialogue, survey and legal work. It also would set precedent that the right of way is available for rent for commercial purposes for any business. The implications of this and the subject of proper use of the right of way should be carefully reviewed before consideration of this option.

Staff intend to further consider these options and return to Council with a recommendation in the New Year.

BUDGET IMPLICATIONS

None at this time.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

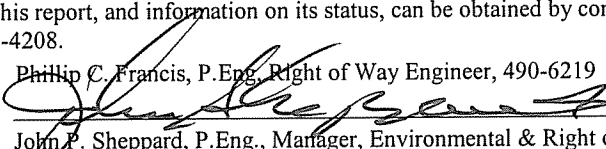
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

N/A.

ATTACHMENTS

Copies of two photos.

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: Phillip C. Francis, P.Eng, Right of Way Engineer, 490-6219
Report Approved by:  _____
John P. Sheppard, P.Eng., Manager, Environmental & Right of Way Services, 490-6958

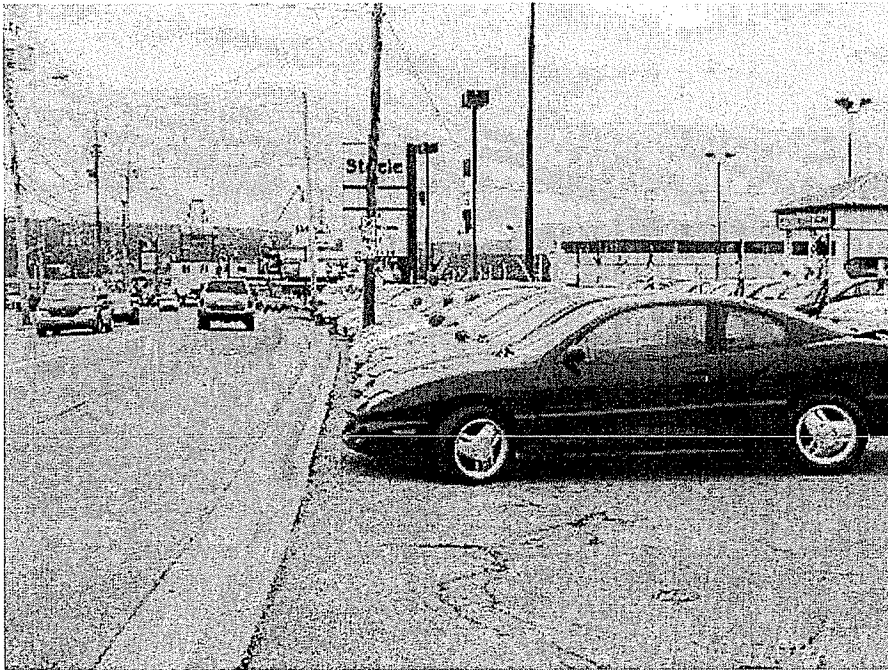


PHOTO 1

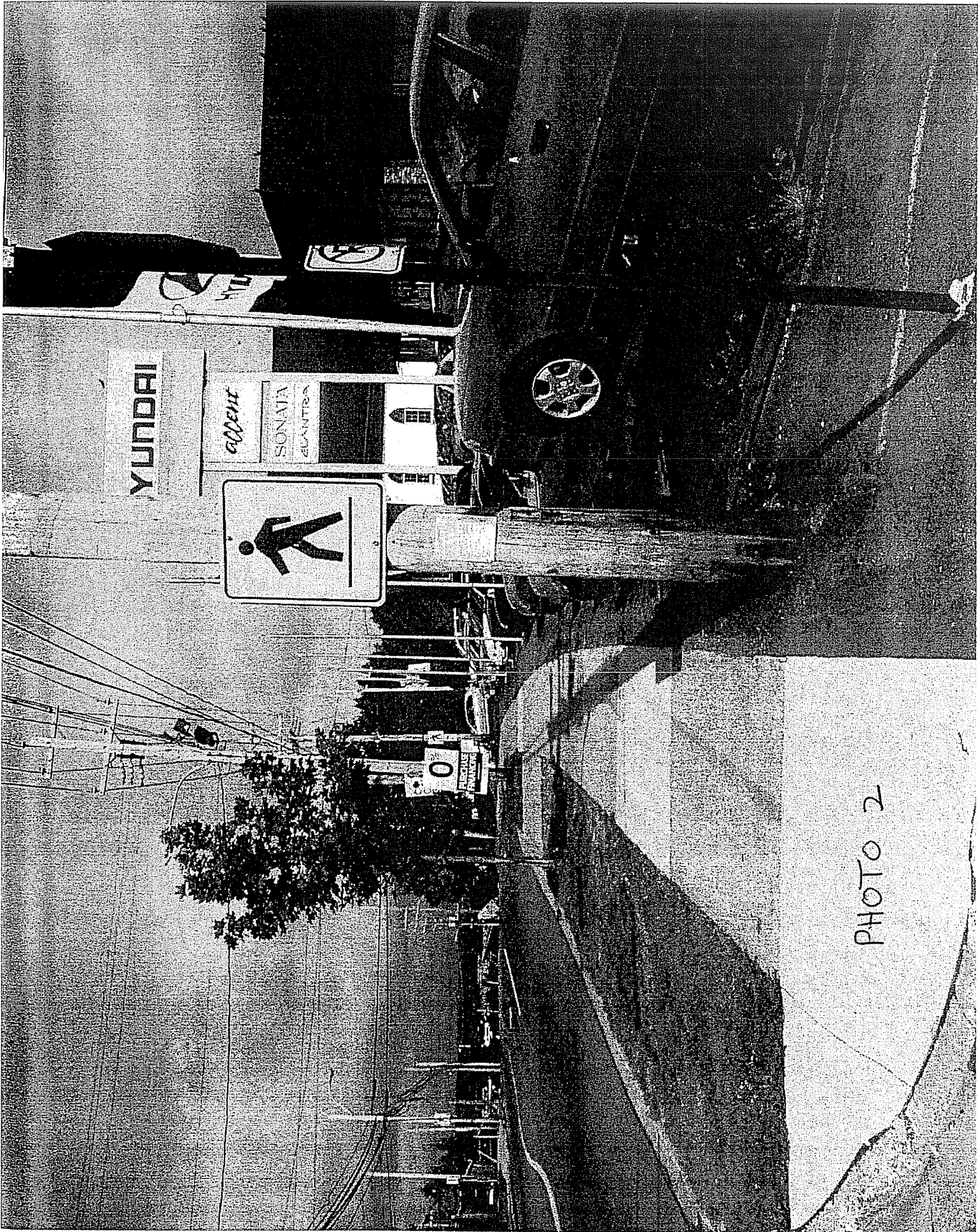


PHOTO 2