



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.1.2**  
**North West Community Council**  
**June 15, 2015**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:** May 25, 2015

**SUBJECT:** **Case 19172: Rezoning to permit a drive-in restaurant at 2074, 2090 and 2092 Hammonds Plains Road, Hammonds Plains**

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**ORIGIN**

Application by R.E. Jones Investments Limited

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipal Charter, Part VIII, Planning and Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading of the proposed rezoning of 2074, 2090 and 2092 Hammonds Plains Road from MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) to the C-4 (Highway Commercial) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 2074, 2090 and 2092 Hammonds Plains Road from MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) to the C-4 (Highway Commercial) Zone, as contained in Attachment A of this report.

## **BACKGROUND**

R.E. Jones Investments Limited has submitted an application to rezone two properties located at 2074 and 2090-2092 Hammonds Plains Road to permit the development of a full service and drive-in restaurant and commercial plaza. The site currently has split zoning which does not permit this proposal therefore a rezoning to the C-4 (Highway Commercial) zone is necessary to enable the proposal. The site is approximately 9.4 acres (3.8 ha) in area and is currently developed with an automotive service centre (Hammonds Plains Service Centre) and a single unit dwelling.

### **Location, Designation, Zoning and Surrounding Area**

<b>Subject Site</b>	Two properties: 2074 and 2090-2092 Hammonds Plains Road
<b>Location</b>	South side of Hammonds Plains Road, west of the intersection of Glen Arbour Way and Hammonds Plains Road, across from multi-tenant commercial building on the corner of Glen Arbour Way and Hammonds Plains Road (Map 1)
<b>Lot Area</b>	Total of 9.4 acres (3.8 ha)
<b>Community Plan Designation</b>	MUB (Mixed Use B) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS)(Map 1)
<b>Regional Plan Designation</b>	RC (Rural Commuter)
<b>Zoning</b>	MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB). Schedule A of Attachment A illustrates the manner in which the zoning lines divide the site. (Map 2)
<b>Surrounding Land Uses</b>	<ul style="list-style-type: none"><li>• multi-tenant commercial plaza ( Peppertoni's and All Smiles Dental Hygiene Clinic ), retail (Beacon Electric), and low density residential to the north across the Hammonds Plains Road;</li><li>• Auto body repair shop (Craig Gray's Auto Body) and Fire Station 50 to the east;</li><li>• vacant (wooded) land to the south; and</li><li>• vacant (wooded) land and a medical clinic (pharmacy, walk-in clinic, and physiotherapy) to the west.</li></ul>
<b>Current Use</b>	Automotive service centre (Hammonds Plains Service Centre) and a single unit dwelling (to be demolished)

The multiple zones (MU-1, I-1 and P-2) applied to the site are a reflection of the current uses on the properties and as a result of a re-subdivision that was approved in 2013.

### **Proposal**

As part of the rezoning application, the applicant is proposing a 232 sq.m. (2,500 square foot) full service and drive-in restaurant (a 1950's style diner) and a 697 sq.m. (7,500 square foot) commercial plaza. The existing automotive service station will remain on the site and the single unit dwelling will be demolished.

The site is proposed to be developed in two phases with the restaurant being developed first and the commercial plaza commencing within the next 5 years. Under the existing zones established on the site this development could not be approved, therefore the applicant is requesting the site be rezoned to the C-4 zone which allows commercial uses up to 929 sq.m. (10,000 square feet) of gross floor area and drive-in restaurants.

### **Enabling Policy**

The Beaver Bank, Hammonds Plains and Upper Sackville MPS enables Community Council to consider, within the Mixed Use B designation, the application of the C-4 zone. The proposal may be considered pursuant to the specific criteria of Policy P-24 and the general evaluative criteria of Policy P-137 (Attachment B).

## **DISCUSSION**

The MPS recognizes the need to provide an opportunity for new commercial uses within the Mixed Use A and B designations. The rezoning process seeks to ensure the necessary review is completed to protect existing residential and community facility uses and to reduce the potential for land use conflict. The MPS also seeks to encourage a concentration of commercial development through LUB provisions which offers the incentive of reduced setbacks when locating adjacent to existing commercial development.

An evaluation of the proposal against enabling Policy P-24 and Policy P-137 has been completed and is presented as Attachment B. Upon review of the MPS, Staff advise that the proposal meets the intent of plan policy. While the proposal is consistent with policy, Staff has identified the following matters for specific discussion:

### **Effect of Rezoning**

Once a property is rezoned, any of the land uses permitted under the new zone can be established on the site should it be sold to a new owner or the current owner's intentions change. A discussion regarding C-4 permitted uses can be found below. Staff advise that while the intentions of the owner are clear and not likely to change, this was not a factor in their evaluation of the relevant plan policies.

### **Potential Effect on Surrounding Uses and Community**

The site is located in close proximity to the intersection of Hammonds Plains Road and Glen Arbour Way. The area around this intersection consists of a cluster of mixed use development including commercial, residential and community facility uses.

While the proposed development is not anticipated to have any negative impact on the surrounding properties or land uses, it is always possible (as discussed above), that the site could develop differently following a rezoning approval.

The C-4 zone requirements are very similar to those of the existing zoning on the property with respect to minimum lot area, setbacks, and building height. The key difference of the C-4 zone is that it allows for additional land uses and open storage and display. Please see Attachment C for an excerpt of the C-4 zone.

#### *Additional Land Uses:*

In addition to the land uses permitted within the C-2 zone, the C-4 zone permits the following:

- |                       |   |                                       |
|-----------------------|---|---------------------------------------|
| • Display courts      | • Greenhouses and nurseries             | • Building supply outlets             |
| • Motels              |   | • Drive in and take out restaurants   |
| • Service stations    | • Veterinary clinics and indoor kennels | • Fraternal centres and private clubs |
| • Taxi and bus depots | • Recycling Depots                      |                                       |

All of these uses would have to conform to the requirements of the C-4 zone, which limits the scale of development to 10,000 square feet. Based on the location, Staff advise that these uses would be compatible within this location of mixed use development.

#### *Open Storage and Display:*

The C-4 zone contains provisions to ensure adequate setbacks and screening are applied to areas intended for open storage and display. Given these provisions and the property configuration it is not anticipated the proposal would have any adverse effect.

### **Traffic**

Two policy criteria of Policy P-24 that relate to traffic are that the site has direct access to a collector highway (P-24(d)) of which the Hammonds Plains Road qualifies, and that the access point to the site meets sighting distances (P-24(e)). A Traffic Impact Statement was provided and reviewed by HRM Development Engineering and Traffic Services Staff. The statement specifically examined sighting

distances at the location of the proposed driveway and found that it conformed with the requirements of By-law S-300 (Respecting Streets).

#### **North West Planning Advisory Committee**

The North West Planning Advisory Committee (NWPAC) reviewed this application on August 6, 2014. The Committee recommended that North West Community Council approve the proposed rezoning. A report from the PAC to Community Council will be provided under separate cover.

#### **Conclusion**

The proposed rezoning is consistent with the MPS for Beaver Bank, Hammonds Plains and Upper Sackville, therefore it is recommended that the North West Community Council rezone the subject site from the MU-1 (Mixed Use), I-1 (Mixed Industrial) and P-2 (Community Facility) Zone to the C-4 (Highway Commercial) Zone.

Community Council should note that this proposal is a request for rezoning, not a development agreement; therefore, should Community Council approve the proposed rezoning, the property owner would be permitted to develop the subject property for any use permitted under the C-4 Zone provided that the zone provisions are satisfied. For clarification, should the applicant decide to change the proposal to an alternative use permitted under the requested C-4 Zone, an additional Planning Process would not be required.

#### **FINANCIAL IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning and Applications.

#### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through notices posted on the HRM website. A Public Information Meeting was held on July 16, 2014, notices for which were posted in the local newspaper and mailed to property owners within the notification area shown on Map 2. Attachment D contains a copy of the minutes from the meeting.

A public hearing has to be held by Community Council before they can consider approval of a rezoning. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The proposed rezoning will potentially impact the following stakeholders: local residents, property owners, and community or neighbourhood organizations.

#### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all relevant environment policies contained in the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law. Please refer to Attachment B of this report for further information.

#### **ALTERNATIVES**

1. Council may choose to refuse the rezoning of 2074 and 2090-2092 Hammonds Plains Road, Hammonds Plains from MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) to the C-4 (Highway Commercial) Zone, and in doing so must provide reasons based on a conflict

with policy of the Beaver Bank, Hammonds Plains and Upper Sackville MPS. A decision of Council to reject this land use by-law amendment, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1            Generalized Future Land Use  
Map 2            Zoning and Notification

Attachment A   Proposed Amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (including Schedule A)  
Attachment B   Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville MPS: Policy Evaluation  
Attachment C   Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB  
Attachment D   Public Information Meeting Minutes – July 16, 2014

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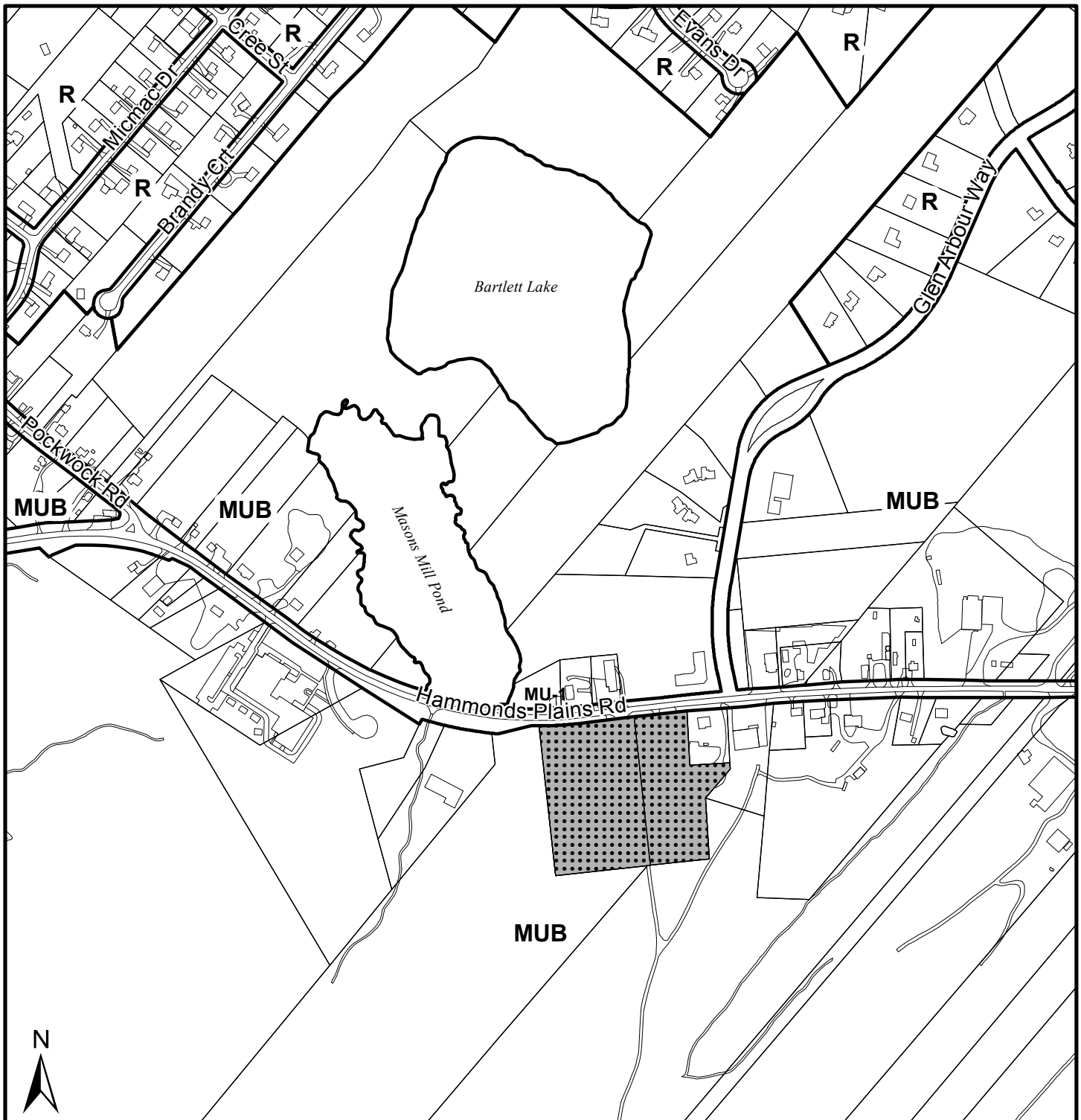
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:        Jacqueline Belisle, Planner 1, 902-490-6704

Original Signed

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

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## Map 1 - Generalized Future Land Use

2074, 2090 and 2092 Hammonds Plains Road  
Hammonds Plains

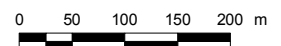
**HALIFAX**



Area proposed to be rezoned from  
I-1 (Mixed Industrial), P-2 (Community Facility)  
and MU-1 (Mixed Use 1) to C-4 (Highway Commercial)

### Designation

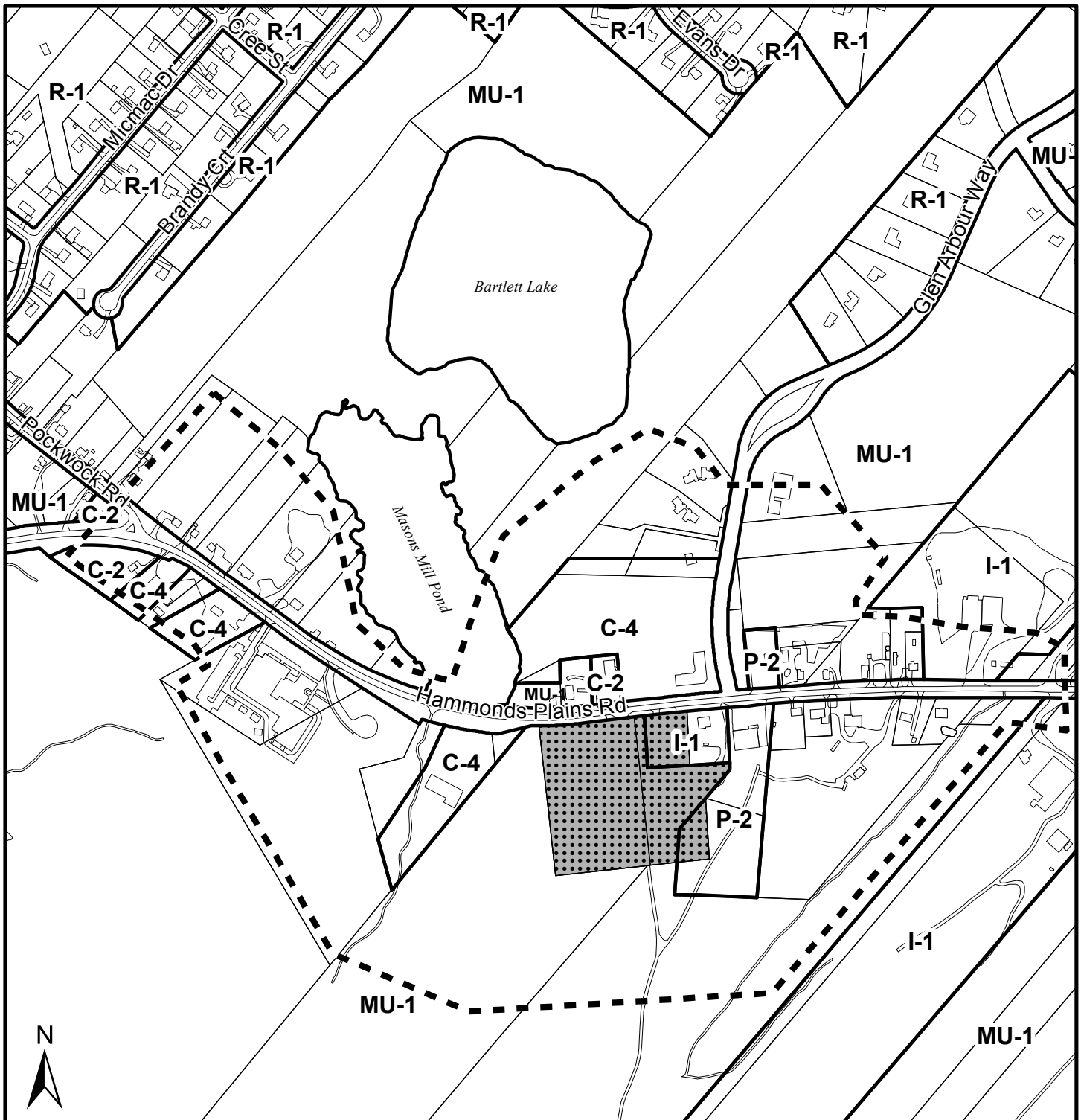
R Residential  
MU-B Mixed Use B



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

Beaver Bank, Hammonds Plains and Upper Sackville  
Plan Area


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




## Map 2 - Zoning and Notification

2074, 2090 and 2092 Hammonds Plains Road  
Hammonds Plains

**HALIFAX**

 Area proposed to be rezoned from  
I-1 (Mixed Industrial), P-2 (Community Facility)  
and MU-1 (Mixed Use 1) to C-4 (Highway Commercial)


 Area of notification

Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-Law Area

### Zone

R-1 Single Unit Dwelling  
MU-1 Mixed Use 1  
C-2 General Business  
C-4 Highway Commercial  
P-2 Community Facility  
I-1 Mixed Industrial

0 50 100 150 200 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.

**Attachment A**

**Proposed Amendment to the Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-law**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as adopted by Regional Council on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

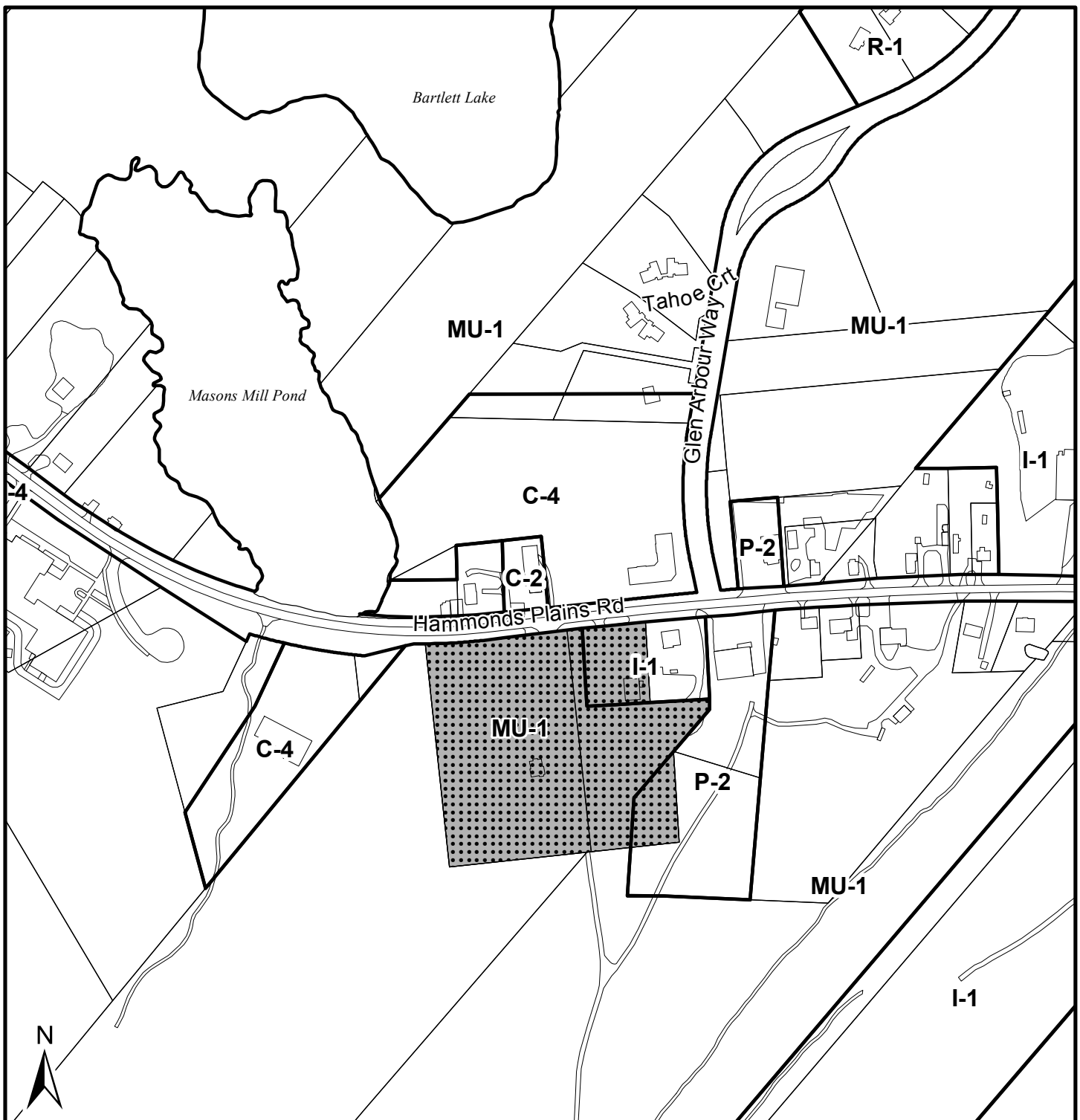
1. Schedule A: Beaver Bank, Hammonds Plains and Upper Sackville Zoning shall be amended as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the       day of       , 2015.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this       day of       , 2015.

\_\_\_\_\_  
Municipal Clerk





## Schedule A

2074, 2090 and 2092 Hammonds Plains Road  
Hammonds Plains



Area proposed to be rezoned from  
I-1 (Mixed Industrial), P-2 (Community Facility)  
and MU-1 (Mixed Use 1) to C-4 (Highway Commercial)

Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-Law Area

### Zone

R-1	Single Unit Dwelling
MU-1	Mixed Use 1
C-2	General Business
C-4	Highway Commercial
P-2	Community Facility
I-1	Mixed Industrial

0 50 100 150 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.

## **Attachment B**

### **Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville MPS Policy Evaluation**

<b>Policy</b>	
<i>P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:</i>	
<b>Policy Criteria</b>	<b>Comment</b>
<i>(a) preference for a location adjacent to or in close proximity to other commercial uses</i>	The site is located in close proximity to the intersection of Hammonds Plains Road and Glen Arbour Way, around this intersection there is a loose cluster of commercial uses (see Map 1 and the Surrounding Uses description under Background on page 2 of this report).
<i>(b) the potential for adversely affecting adjacent residential and community facility uses</i>	The site does not immediately abut any residential uses but does share a portion of its western property line with Fire Station 50. The C-4 zone contains provisions to ensure adequate setbacks and screening. Given the property configuration, it is not anticipated the proposal will have any adverse effect.
<i>(c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community</i>	Given that this application is for a rezoning, it is always possible, if approved the site will develop differently than proposed. While the specific site design and operational characteristics of this proposal are not anticipated to have a negative impact on the surrounding community it is also prudent to examine all the potential uses permitted within the C-4 zone (as listed in Attachment C). Many of the additional uses permitted involve open storage and/or display (taxi and bus depots, recycling depots, building supply outlets, etc). The C-4 zone limits open storage to a maximum lot coverage of 50%, does not permit any open storage to be located within any front yard, requires open storage areas maintain a setback of 30ft from a property used for residential or community facility uses unless a visual and physical barrier is provided. Given the property configuration, it is anticipated that any potential future open storage areas would be located towards the rear of the property. However, outdoor <i>display</i> may be located within 10 feet of the front property line. This is not unacceptable as businesses tend to keep their display areas well maintained and tidy in order to attract

	new clientele. The location of the site is not unsuitable for such a use and does not raise concerns with respect to neighbourhood compatibility.
<i>(d) that the use has direct access to a collector highway as shown on Map 2 - Transportation</i>	The site has direct access to the Hammonds Plains Road which is a collector road as shown on Map 2.
<i>(e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site</i>	A Traffic Impact Statement was provided and reviewed by HRM Development Engineering and Traffic Services. The statement specifically examined sighting distances at the location of the proposed driveway and found that it conformed with the requirements of By-law S-300 (Respecting Streets).
<i>(f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and</i>	No rezoning from R-1 or R-6 is proposed. The existing zoning on the site is P-2 (Community Facility), I-1 (Mixed Industrial), and MU-1 (Mixed Use 1).
<i>(g) the provisions of Policy P-137.</i>	See below

<b>Policy</b>	
<i>P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i>	
<b>Policy Criteria</b>	<b>Comment</b>
<i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations</i>	Policy P-24 (above) provides for new highway commercial uses within the Mixed Use B designation.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	...
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development</i>	No concerns were identified regarding potential financial implications for HRM.
<i>(ii) the adequacy of central or on-site sewerage and water services</i>	The site is within the municipal water service boundary but not the municipal sewerage service boundary. On-site sewerage is regulated by the NS Department of Environment and their approval must be sought when permits are applied for.
<i>(iii) the adequacy or proximity of school, recreation or other community facilities</i>	As this proposal does not propose any additional residential units it is not expected to produce an impact on school, recreation or other community facilities.
<i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>	A Traffic Impact Statement was provided and reviewed by HRM Development Engineering and Traffic Services. The statement did not identify any significant impacts to the existing transportation network as a result of this proposed development.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	No historic buildings or sites have been identified on the property or in the surrounding area.
<i>(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>	...
<i>(i) type of use</i>	The C-4 zone permits a variety of land uses (see Attachment C), and has provisions related to building height, lot coverage, open
<i>(ii) height, bulk and lot coverage of any proposed building</i>	

<i>(iii) traffic generation, access to and egress from the site, and parking</i>	storage & display and building floor area. Part 5 of the LUB contains provisions for signage.
<i>(iv) open storage</i>	Part 4.26 of the LUB contains provisions for parking.
<i>(v) signs; and</i>	With respect to access and egress from the site, the existing driveway that serves the single unit dwelling will be utilized for the proposed development. The TIS submitted indicates that it meets the requirements of By-law S-300 (Respecting Streets).  It is not anticipated that any of these items will cause conflict with adjacent land uses.
<i>(vi) any other relevant matter of planning concern.</i>	No other concerns have been identified at this time.
<i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	None of the natural features listed have been identified on the site.
<b><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", 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-Jul 2/02; E-Aug 17/02)</i></b>	No holding zone has been established and no additional lots are proposed in conjunction with this application.

**Attachment C**  
**Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB**

**PART 2: DEFINITIONS**

- 2.63 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and y include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.
- 2.64 RESTAURANT - DRIVE-IN means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.

**PART 4: GENERAL PROVISIONS FOR ALL ZONES**

**4.26 PARKING REQUIREMENTS**

- (a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

Retail stores, service and personal  
service shops:

- |  |  |
|--|--|
| (a) exceeding 5,000 square feet<br>(464.5 m <sup>2</sup> ) of gross floor area | 5.5 spaces per 1,000 square feet<br>(92.9 m <sup>2</sup> ) of gross floor area |
|--|--|

Restaurants - Drive-In	27 spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
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Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
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**PART 5: SIGNS**

**5.8 GROUND SIGNS**

No ground sign shall:

- (a) exceed a height of twenty-five (25) feet (7.6 m) except in a C-4 (Highway Commercial) Zone;
- (b) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space;
- (c) be less than ten (10) feet (3 m) from any street or abutting lot in any C-2(General Business), C-4(Highway Commercial), C-6(Commercial Entertainment) Zone.

**PART 17: C-4 (HIGHWAY COMMERCIAL) ZONE**

**17.1 C-4 USES PERMITTED**

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

All uses permitted in the C-2 zone  
Display courts  
Motels  
Service stations  
Taxi and bus depots  
Greenhouses and nurseries  
Veterinary clinics and indoor kennels  
Recycling Depots  
Building supply outlets  
Drive in and take out restaurants  
Fraternal centres and private clubs

#### 17.2 C-4 ZONE REQUIREMENTS

In any C-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	30,000 square feet (2787 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage for Structures and Outdoor Storage	75 per cent

#### 17.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area of all commercial buildings on a lot in any C-4 Zone shall not exceed ten thousand (10,000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

#### 17.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any front yard.
- (c) No outdoor display shall be located within ten (10) feet of any front lot line.
- (d) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential or community facility use except where a visual and physical barrier is provided, in which case there will be no open storage or outdoor display within five feet of the abutting side or rear lot line.

#### 17.5 OTHER REQUIREMENTS: PARKING AND LOADING AREAS

No parking or loading area shall be permitted in any required side or rear yard where the yard abuts any residential or community facility use, except where a visual barrier is provided in which case there will be no parking or loading within five (5) feet of the abutting side or rear lot line.

## 17.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in the C-4 Zone, the following shall apply:

- (a) Minimum lot area 30,000 square feet (2787 m<sup>2</sup>)
- (b) Minimum 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 not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 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)

## 17.7 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 17.2, within a C-4 Zone, where any commercial use abuts another commercial or an industrial use, the abutting side or rear yard requirement may be reduced to eight (8) feet.

## Attachment D

### Public Information Meeting Minutes – July 16, 2014

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 19172

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7:00 p.m.  
Wednesday, July 16, 2014  
Hammonds Plains Fire Hall  
2041 Hammonds Plains Road, Hammonds Plains

**STAFF IN  
ATTENDANCE:** Erin MacIntyre, Planner  
Alden Thurston, Planning Technician  
Jennifer Purdy, Planning Controller

**ALSO IN  
ATTENDANCE:** Councillor Matt Whitman  
Randy Jones, Consultant

**PUBLIC IN  
ATTENDANCE:** 22

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The meeting commenced at approximately 7:01 p.m.

#### Opening remarks/Introductions/Purpose of meeting

**Ms. Erin MacIntyre**, Planner, Planning Applications, called the meeting to order at approximately 7:01p.m. in the Hammonds Plains Fire Hall, 2041 Hammonds Plains Road, Hammonds Plains.

She introduced herself as the planner guiding this application through the process and also introduced Councilor Matt Whitman, Local Councillor; Alden Thurston, Planning Technician, HRM Planning Services, and Jennifer Purdy, Planning Controllers, HRM Planning Services.

Ms. MacIntyre advised that this application has been received by R.E. Jones Investments Limited on behalf of Hartland Developments Limited and Hammonds Plains Service Centre to rezone civics 2074, 2090 and 2092 Hammonds Plains Road from I-1, P-2 and MU-1 to the C-4 zone.

Ms. MacIntyre reviewed the application process, noting that the public information meeting is an initial step, whereby HRM identifies to the community early in the process that a rezoning application has been received and what policies allows it to be considered. Staff will also identify what the applicant is proposing and give them the opportunity to present their proposal to the community. Staff will seek feedback from citizens before the staff report is prepared and explained that no decisions have been made to this point or at this meeting. Following this meeting, the application will then be brought forward to Planning Advisory Committee, and then forwarded to Community Council who will then hold a public hearing, prior to making a decision on the proposed development. After Council has made a motion regarding this application, a 14 day appeal period will be in effect.

#### Presentation on Application

**Ms. Macintyre** reviewed a slide of a satellite image of the greater area, with the proposed area subject to the rezoning proposal outlined. Areas of 2074-2092 Hammonds Plains Road are approximately 9.4 acres in total area. She added that the Plan Area is Beaver Bank, Hammonds Plains & Upper Sackville, explaining that the particular areas are zoned I-1 (Mixed Industrial); P-2 (Community Facility); MU-1 (Mixed Use 1) and designated Mixed Use B.



Reviewing a slide of the survey plan, Ms. MacIntyre explained that these two lots are currently developed. Lot 2 is the Hammonds Plains Service Centre and while it is proposed to be rezoned, there are no immediate plans to redevelop the property. The applicant has indicated that the rezoning request is to correct the zoning to C-4, but there are no plans to construct additional buildings or make any changes to the existing infrastructure on this lot. Lot 3 is planned to be developed in two phases:

#### Phase 1 (Lot 3)

- 1950's style diner (Drive-in restaurant)
- 2,500 square feet

This requires a rezoning as a drive-in restaurant is not permitted by the MU-1 Zone. The MU-1 zone restricts commercial square footage to 2,000 square feet.

#### Phase 2 (Lot 3)

- Multi-use commercial plaza
- 7,500 square feet
- Not expected to proceed immediately (5 years estimated)

This requires rezoning as MU-1 Zone restricts commercial square footage to 2,000 square feet.

Ms. MacIntyre reviewed slides of the elevation and the rendering of the proposed restaurant and explained that Council established a C-4 (Highway Commercial Zone) that permits commercial uses to a maximum of ten thousand (10,000) square feet. This policy (Policy P-24) includes more intensive uses which involve outdoor storage and display, parking and loading, which are addressed through screening required by the Land Use By-Law for this Plan Area. The C-4 Zone shall be applied to the existing uses permitted within the highway commercial zone at the time of adoption of the Municipal Planning Strategy. When considering this rezoning to the C-4 zone, staff will evaluate things such as preference for a location adjacent to or in close proximity to other commercial space; potential for adversely affecting adjacent residential and community facility uses; site design and operational characteristics impact on the surrounding community; ensure that the use must have direct access to a collector highway (Hammonds Plains Road) and measure the impact on traffic circulation and sighting distances of access to the site.

**Randy Jones, Consultant** reviewed his presentation explaining that there are two rezoning applications: 1) Hammonds Plains Service Centre; 2) 2090 Hammonds Plains Road adding that there will be no changes to the infrastructure itself and that this application is to only correct the zoning classification from I-1 (Mixed Industrial) to C-4 (Highway Commercial). Reviewing a slide of the rendering for application of 2090 Hammonds Plains Road, Mr. Jones explained that they are looking to have something unique in the community; in the love for classic cars and good food. He explained that they are current considering the name of the diner being "Thunderbird Dinner" and are looking at having a model of a classic 1950's style car on the roof top and noted that this may change however, it is meant to be looked at and treated as a sign. He explained that HRM signage guidelines, setbacks, height restrictions etc. have been considered and assured that they are within the HRM standards.

Reviewing a slide of adjacent buildings, Mr. Jones pointed the nearby already zoned C-4 buildings and explained that this rezoning fits within the neighbourhood. There is a current right-away access to the site that they will be using as their entrance to the diner and assured that they would not be creating a new driveway off of the Hammonds Plans Road.

The site itself is 5.7 acres; 396 feet wide by 630 feet long with a 20 foot setback off of the Hammonds Plains Road; these meeting the frontage requirements set by HRM. Reviewing a slide of the 'site and service plan' prepared by Servant Dunbrack, he explained that they have created an engineering plan for the disposal system and well. They have designed the disposal system to deal with the waste from both the proposed developed and any future development that takes place in this location. He added that they have taken environmental issues into consideration and into the design and explained that they will be retaining as much trees as possible; the majority area to be cut are all the bushes and new growth and will not have any impact on the environment. The nearest point from tree line to an existing brook is in access of 220 feet; this is well within the HRM requirements.

Mr. Jones reviewed a slide of the floor plan for the dinner pointing out where there will be a take-out counter, a sit down counter and a public area which will seat 44-50 people.

Mr. Jones explained that he understands the current traffic concerns on the Hammonds Plains Road and explained that they had a traffic analysis study completed by JRL Consultants which concluded that this application will not generate any additional traffic to the area and satisfies HRM By-Law S-300; the traffic study can be reviewed on the Halifax website. Parking for the dinner will consist of 82 parking stalls which are 20% more than the required amount. They have met the accessible parking requirements and also will be providing enough space for truckers without causing any inconvenience to traffic.

### **Questions and Answers**

Mr. Keith Ayling, Tantallon also explained that he is from Masthead News for further detail in regards to septic and water supply and what the landscaping plans are being proposed.

Mr. Jones explained that the septic plan has been designed by Servant Dunbrack to accommodate both the dinner the future development site up to 75 square feet. He explained that he cannot comment on the flows however, he could investigate it further and provide more details to Mr. Ayling. He explained that the landscaping is part of the permit application process and have not looked that far into the application. At this stage they are currently looking for approval for the rezoning. He added that there will be a substantial setback from the Hammonds Plains Road and the landscaping will be designed by a Landscape Architect.

Ms. MacIntyre explained that Nova Scotia Environment will also be reviewing the rezoning application and they are the Provincial Regulatory Body for on-site septic. She also explained that required landscaping will be in response to the specifics of the use and in terms of property boundaries. These will come into effect at the permit stage and will be enforced by the Development Officer and in accordance with the By-law.

Mr. Ross Evens, Pockwalk Road supports the application and explained that having a diner has been a discussion for over 40 years and is in favor of the development. He noted concern with the visibility from the street. He added that the property owner may want to investigate the usage of the name 'Thunderbird Dinner' as it may be pricy.

Mr. Peter Lund explained that he is in support of the development and asked if this meeting was only for the rezoning portion of the application; if there will be a development agreement to follow and if it will be brought forward to Regional Council for approval.

Ms. MacIntyre explained that this application will be brought forward to Community Council and not Regional Council. She also explained that there is not a development agreement attached to this application. If the rezoning application is approved, the zone will be changed to C-4 and will be as-of-right.

Mr. Lund asked if there is a storm water management plan prepared.

Mr. Jones explained that the storm water management plan is part of the engineering plan.

Mr. Rob Stagg, Stillwater Lake supports the application; thinks it is a great idea.

Ms. Pam Lovelace, Hammonds Plains explained that she is excited about the development and feels that it is a job opportunity for the community. She encourages walking traffic and asked that having walkable access to different sites be considered while looking at the design.

Mr. Brian Murray, Hammonds Plains thanked the consultant and landowner to applying for this development and thinks that it is a great addition to the community. He added that the Hammonds Plains area should have a Secondary Planning Strategy which will outline what businesses and so forth are allowed in the Community; this would allow for more control over the area.

Mr. Dan Monk, Hammonds Plains explained that he likes the proposed development and brining businesses to the community. The current zoning restricts a lot of businesses and is in support of the rezoning.

Mr. Don McCarthy, Bedford explained that this diner may also provide opportunity for residents to listen to some live music.

Mr. Towers explained that his residents would be the most affect by this development and explained that he is in support of the proposal. He encourages more commercial development in the community.

Ms. Joanne Wordon, Highland Park addressed traffic concerns and asked if there will be a left-hand turning lane for those entering the restaurant from the Hammonds Plains Road.

Mr. Jones agreed that the traffic on the Hammonds Plains Road is a concern to all residents however, does not feel that this development will generate any additional traffic as those who are already on the road, will be those who will be dining. The Traffic Impact Study did not conclude that a left-hand turning lane is warranted.

Councillor Matt Whitman explained that a left-hand turning lane in this area would be nice and where the widening of the road is currently taking place, this would be the time to do it. He also added that he would like to see turning lanes at most of the neighbourhood along Hammonds Plains Road. He explained that at the next Regional Council Meeting, the Tantallon Visioning Project will be reviewed, which looks great; he would like to see similar trails systems put into place along the Hammonds Plains Road. He added that there has been some concern from residents regarding having another business and from those in the same business having a competitor. He asked if the rezoning process could be done more quickly and efficiently and if there will be any VLTs put into this restaurant.

Mr. Jones explained that there will absolutely be no VLTs.

Councillor Whitman added that he supports this application and businesses in Hammonds Plains and job opportunity in the area.

Ms. MacIntyre explained that she will take away the visioning process question to discuss with staff and to get a better understanding of the appropriate mechanisms to properly do that type of thing. She added that this would have to have an initiation from a Council Member. Councillor Whitman explained that he has started the initiation in June 2014.

Ms. Cathie Lynds, Hammonds Plains explained that she is in support of the application and explained that all the surrounding zones are C-1 C-2 & C-4 and does not feel that there should be any issues in rezoning this property to C-4.

Ms. MacIntyre clarified that the 'drive-in' aspect of the use is not permitted outside of the C-4 zone.

### **Closing Comments**

Ms. MacIntyre thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

### **Adjournment**

The meeting adjourned at approximately 8:01p.m