



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

Item No. 12.1.1
Harbour East-Marine Drive Community Council
November 12, 2015
December 3, 2015

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: *Original signed*

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: October 28, 2015

SUBJECT: Case 20132: Rezoning a portion of Dartmouth Crossing, Dartmouth

ORIGIN

Application by EDM, on behalf of Dartmouth Crossing Limited.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that the Harbour East-Marine Drive Community Council:

1. Give First Reading to consider the proposal to rezone a portion of Phase 3 within Dartmouth Crossing from the BCDD (Burnside Comprehensive Development District) Zone to the I-2 (General Industrial) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposal to rezone a portion of Phase 3 within Dartmouth Crossing from the BCDD (Burnside Comprehensive Development District) Zone to the I-2 (General Industrial) Zone, as contained in Attachment A of this report.

BACKGROUND

HRM has received an application from EDM, on behalf of Dartmouth Crossing Limited, to rezone a portion of Phase 3 within Dartmouth Crossing from the BCDD (Burnside Comprehensive Development District) Zone back to its previous zoning of I-2 (General Industrial) Zone (Map 2). The applicant intends to develop this area for commercial and/or light industrial uses instead of the previously planned residential development.

Subject Site Information

Location	Portions of PIDs 00258889, 41255035 and 41149733, located north east of the Wright Avenue and Hwy 118 Interchange - see Maps 1 and 2
Area	31.6 hectares (78 acres)
Regional Plan Designation	Urban Settlement
Community Designation (Dartmouth)	I (Industrial) and Burnside Comprehensive Development District (BCDD) – see Map 1
Zoning	BCDD (Burnside Comprehensive Development District) Zone – see Map 2
Current Use	Vacant
Surrounding Use	Commercial and Industrial uses

Enabling Policy and Zoning

The subject site has two community plan designations: 1) the I (Industrial) Designation and, 2) the BCDD (Burnside Comprehensive Development District) Designation. While the BCDD designation enables Community Council to consider residential development, it does not replace the underlying I (Industrial) Designation. Dartmouth Municipal Planning Strategy (MPS) Policy IP-1(j) indicates that an MPS amendment is not required for “*rezonings which fall within the list of permitted uses within the generalized land use categories as shown on Table 4 and Map 8*”. Table 4 of the Dartmouth MPS indicates that commercial and light industrial uses are permitted within the Industrial Designation. Therefore, Council may consider rezoning the subject site to the I-2 (General Industrial) Zone.

History of BCDD Zone

As part of the 2006 Regional Plan, Regional Council adopted Burnside Comprehensive Development District (BCDD) policies to consider residential development through a rezoning and development agreement process in the area now known as Dartmouth Crossing, which includes the subject site (Map 1).

In 2009, the Harbour East-Marine Drive Community Council approved an application to rezone the subject site from I-2 (General Industrial) to the BCDD (Burnside Comprehensive Development District) Zone. At the time, the applicant indicated that they intended to submit a development agreement application to develop approximately 1,500 residential units consisting of townhouses and multi-unit residential buildings, as well as smaller scale commercial uses.

In 2014, as part of the Regional Plan review exercise, the BCDD policies were moved from the Regional Plan to the Dartmouth MPS, however, the overall content and intent of these policies has not changed.

Proposal

The applicant wishes to develop the subject site for commercial and/or light industrial land uses that complement existing uses in Dartmouth Crossing, the Burnside Business Park and the Burnside Business Park Expansion Area. The subject site has remained vacant since the 2009 rezoning. Development design details, including servicing and road layout, will be subject to review through the as-of-right subdivision and permitting approval processes.

DISCUSSION

Staff has reviewed the proposal against all relevant planning policies and advises that it is consistent with the Dartmouth MPS and the Regional Plan. Attachment B provides an evaluation of the proposed rezoning in relation to the relevant policies. Staff has identified below some aspects of the rezoning that warrant more detailed discussion.

Land Use Compatibility

The BCDD policies contained within the Dartmouth MPS make an exception to the business-focused zoning in the Dartmouth Crossing area by recognizing that residential development can complement business park developments in some cases. In providing this opportunity, however, the MPS takes a cautious approach by requiring both a rezoning and development agreement, limiting the scope and scale of residential development, and stressing the importance of mitigating potential land use conflicts.

Since the subject site was zoned BCDD in 2009, the business and industrial nature of the surrounding area has continued to expand. In addition, the 2014 Regional Plan identifies and promotes the development of the Burnside Industrial Park by placing it within the Business/Industrial Sub-Designation. Regional Plan Policy EC-6 further indicates the following.

EC-6 HRM shall reserve the lands within the Burnside Business Park Expansion Area, as shown on Map 10, for general, light industrial and logistics uses. Office and retail shall be permitted only as accessory uses to general and light industrial uses.

The subject site is located adjacent to the Business/Industrial Sub-designation and an identified Burnside Park Expansion Area.

The continued expansion of surrounding business and industrial uses together with Regional Plan policies that place more emphasis on business and industrial development makes the subject site less suitable for the previously planned residential development. Therefore, staff advises that the proposal to rezone the subject site back to the I-2 Zone provides the opportunity for greater compatibility with surrounding uses and zoning than does maintaining the existing BCDD Zone.

Conclusion

Staff has reviewed the proposal in terms of all relevant policy criteria and advises that the proposal is consistent with the intent of the Dartmouth MPS and Regional Plan. Although the subject site was zoned BCDD in 2009, the continued expansion of surrounding business developments and further emphasis on business and industrial development in the area within the 2014 Regional Plan make the subject site less suitable for the previously planned residential development. Therefore, staff recommends that the Harbour East Community Council approve the proposal to rezone the subject site from the BCDD Zone back to the I-2 (General Industrial) Zone.

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of 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 providing information and seeking comments through the HRM website, signage posted on the subject site and letters mailed to property owners within the notification area outlined on Map 2. No comments from the public have been received in response to this process.

A public hearing must be held by Community Council before they can consider approval of the 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 HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact local residents across Lake Charles and commercial and industrial property owners.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to refuse the proposed rezoning, as set out in Attachment A, and in doing so, must provide reasons why the proposal does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning 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 Area of Notification
Attachment A:	Proposed Amendments to the Dartmouth Land Use By-Law
Attachment B:	Review of Relevant Municipal Planning Strategy Policies

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 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Ben Sivak, Major Projects Planner, 902.490.6573

Original signed


Report Approved by:


Kelly Denty, Manager, Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

Dartmouth Crossing,
Dartmouth

 Area to be rezoned from
BCDD (Burnside Comprehensive
Development District) to the I-2
(General Industrial)

 BCDD Sub-Designation

Dartmouth Plan Area

Designation

R Residential
I Industrial
PO Park & Open Space
RSV Reserve

Sub-Designation

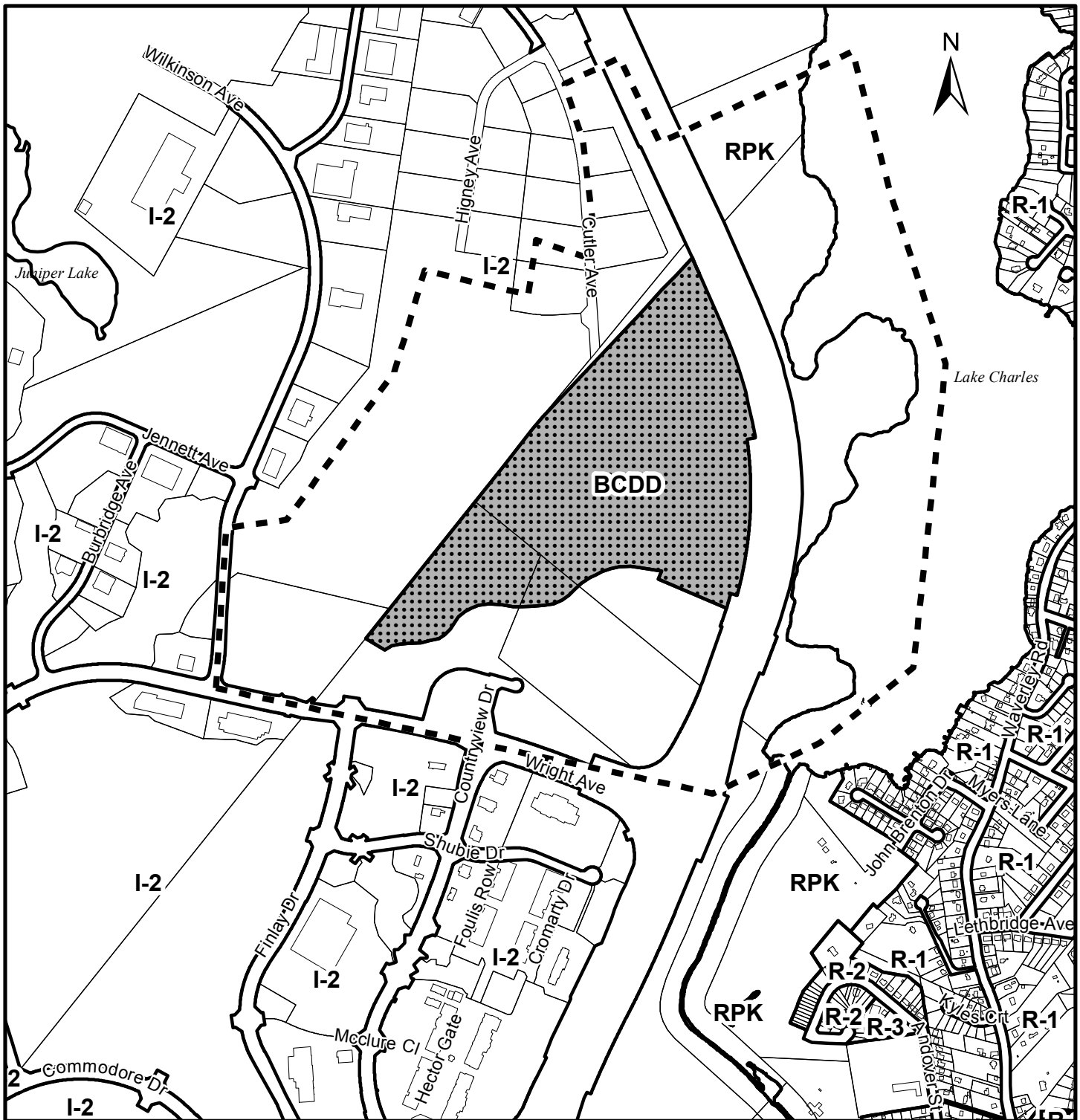
BCDD Burnside Comprehensive Development District

HALIFAX

0 100 200 300 400 500 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.




Map 2 - Zoning and Notification

Dartmouth Crossing,
Dartmouth

HALIFAX

 Area to be rezoned from
BCDD (Burnside Comprehensive
Development District) to the I-2
(General Industrial)

 Area of Notification

Dartmouth Plan Area

Zone

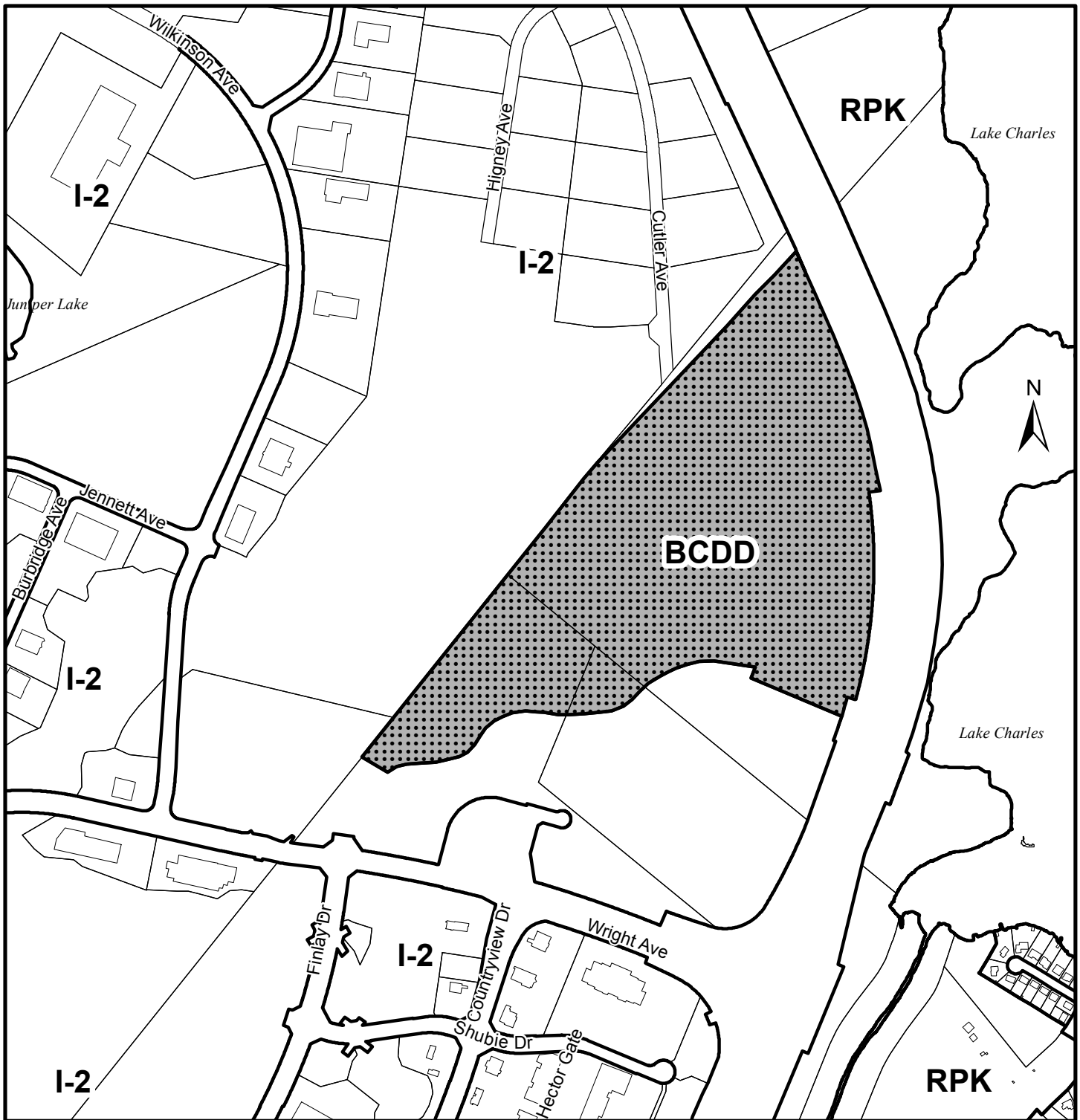
R-1	Single Unit Residential
R-3	Multiple Family Residential (Medium Density)
I-2	General Industrial
RPK	Regional Park
BCDD	Burnside Comprehensive Development District

0 100 200 300 400 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.



Schedule A

Dartmouth Crossing,
Dartmouth

HALIFAX

Area to be rezoned from
BCDD (Burnside Comprehensive
Development District) to the I-2
(General Industrial)

Zone

I-2 General Industrial
RPK Regional Park
BCDD Burnside Comprehensive Development District

Dartmouth Plan Area

0 100 200 300 m

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

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

Attachment A
Proposed Amendments to the Dartmouth Land Use By-law

BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Dartmouth Land Use By-Law, as amended, is hereby further amended as follows:

1. Amend Schedule A (Dartmouth Zoning Map) by rezoning a portion of PIDs 00258889, 41255035 and 41149733 located north east of the Highway 118 and Wright Avenue Interchange, Dartmouth from the BCDD (Burnside Comprehensive Development District) Zone to the I-2 (General Industrial) Zone, as shown on Schedule A of this Attachment.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Dartmouth as set out above, were passed by a majority vote of the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2015.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2015.

Municipal Clerk

Attachment B
Review of Relevant Municipal Planning Strategy Policies

<p><i>Dartmouth MPS Policy IP-1(c)</i> <i>[...] in considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p>	
Policy Criteria	Comments
<i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposal is consistent with the Industrial designation and intent of the Regional Plan concerning support for industrial parks.
<i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i>	The proposal would enable development that is consistent with surrounding zoning and uses.
<i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i>	The proposal is compatible with surrounding uses and infrastructure. Zone provisions are adequate to address any potential land use compatibility issues.
<i>(4) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the City is to absorb any costs relating to the development</i>	No additional costs are anticipated. The developer is responsible for all costs associated with new development.
<i>(ii) the adequacy of sewer and water services and public utilities</i>	Services are adequate.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i>	Schools and other public facilities are not located nearby, making this site more suitable for the proposed commercial and light industrial uses than the previously proposed residential development.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i>	The transportation network is adequate. Detailed traffic studies will be required at the time of permitting.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i>	No issues are identified.
<i>(vi) preventing public access to the shorelines or the waterfront</i>	NA
<i>(vii) the presence of natural, historical features, buildings or sites</i>	No issues are identified.
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i>	The subject site is an infill site that is located between existing commercial and industrial developments.
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	The proposal is expected to have a positive economic impact by making additional land available for commercial and/or light industrial land uses.
<i>(5) that the proposal is not an obnoxious use</i>	No concerns identified. The proposal would allow light industrial uses in an area surrounded by existing commercial and industrial uses.

<p>(6) <i>that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <i>(i) type of use, density, and phasing</i> <i>(ii) emissions including air, water, noise</i> <i>(iii) traffic generation, access to and egress from the site, and parking</i> <p><i>Dartmouth Municipal Planning Strategy Page 148</i></p> <ul style="list-style-type: none"> <i>(iv) open storage and landscaping</i> <i>(v) provisions for pedestrian movement and safety</i> <i>(vi) management of open space, parks, walkways</i> <i>(vii) drainage both natural and sub-surface and soil-stability</i> <i>(viii) performance bonds.</i> 	NA – not a development agreement
<p>(7) <i>suitability of the proposed site in terms of steepness of slope, soil conditions, rock out-croppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i></p>	No constraints identified.
<p>(8) <i>that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i></p>	Questions and comments from the public were solicited through the HRM website, signage posted on the subject site, and neighbour notification letters.
<p>(9) <i>that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i></p>	
<p><i>(i) Council with a clear indication of the nature of proposed development, and</i></p>	The application provides sufficient rationale and information to describe the proposed rezoning.
<p><i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i></p>	Sufficient information is available. Detailed designs will be reviewed at the permitting stage.
<p>(10) <i>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-Jul 2/02;E-Aug 17/02)</i></p>	NA