



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
September 28, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy", written over a horizontal line.

Paul Dunphy, Director of Community Development

DATE: August 21, 2009

SUBJECT: Case 01272: Rezoning of 1568 Prospect Road, Hatchet Lake

ORIGIN

Application by Mr. John Organ to rezone 1568 Prospect Road from the RB-1 (Residential B-1) Zone to the C-2 (General Business) Zone, Hatchet Lake

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading of the proposed rezoning of 1568 Prospect Road from RB-1 (Residential B-1) to the C-2 (General Business) Zone and schedule a public hearing.
2. Approve the rezoning of 1568 Prospect Road from RB-1(Residential B-1) to the C-2 (General Business) Zone.

BACKGROUND

The subject property, 1568 Prospect Road (PID 00654673), is located on the east side of the Prospect Road approximately 2 kilometers south of the Big Indian Lake Golf Course and is zoned RB-1 (Residential B-1) in the Planning District 4 (Prospect) Land Use By-law. The property is 21,600 square feet in area and is occupied by a single residential dwelling.

Proposal

The applicant is requesting a rezoning from RB-1(Residential B-1) to the C-2 (General Business) Zone in order to operate a marine canvas repair and maintenance business.

Designation and Zoning

The property is surrounded by vacant RB-1 zoned properties. The land use designation is Residential B in the Planning District 4 (Prospect) MPS (Map 2). The property is located 200 metres south of the nearest non-residential land use, an automotive repair and sales facility located at 1536 Prospect Road. The land area (646 hectares) immediately west and across the Prospect Road is owned by HRM and zoned WC (Western Common) Zone.

MPS Policy

A rezoning of the property can be considered by Council according to Policy RB-9 of the MPS. In considering a rezoning to the C-2 (General Business) zone within the Residential B Designation, Council shall have regard for the architectural compatibility, traffic impacts, and considerations regarding site suitability and servicing as specified in implementation policy IM-11.

DISCUSSION

Staff have reviewed the rezoning application relative to all applicable plan policies and zone requirements which are included as Attachments B and C to this report. The following issues have been identified for more detailed discussion.

Architectural Compatibility

The property is occupied by a two storey pitched roof wood framed residential building with an attached garage. The architecture of the building is typical of the area and is therefore compatible in style and scale with the existing residential and commercial buildings in the immediate area.

Traffic

The property recently underwent a property consolidation through HRM's subdivision approval process. As required by that process, the existing driveway access to the Prospect Road, a provincial trunk highway (#333) and proposed commercial driveway were evaluated by the NS Department of Transportation and Infrastructure Renewal. Access onto a provincial highway is regulated under the Nova Scotia Public Highways Act. The NS Department of Transportation and Infrastructure Renewal have checked the sight distance for safe stopping at this location and determined that it meets the necessary requirements.

Site Suitability

The property is currently serviced by an on-site septic system and well, contains no historic features, and does not contain watercourses, wetlands, steep grades, or geological conditions that would negatively effect site suitability.

Zone Requirements

In order to address compatibility concerns, the LUB (Attachment "C") includes requirements in the C-2 (General Business) Zone that control commercial open storage and outdoor display, the location and screening of refuse containers, parking and signage and provision of screening between commercial uses and abutting residential properties. Staff's review of the proposed business use indicates that it would meet the C-2 zone requirements.

Public Information Meeting/Area of Notification

A Public Information Meeting for this application was held on June 1, 2009. Minutes of this meeting are provided as Attachment "D" of this report. Should Community Council decide to hold a Public Hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

Conclusion

The proposed rezoning satisfies the applicable policies (RB-9, IM-11) of the Prospect MPS (Attachment "B"). As such, it is recommended that Western Region Community Council approve the rezoning application.

BUDGET IMPLICATIONS

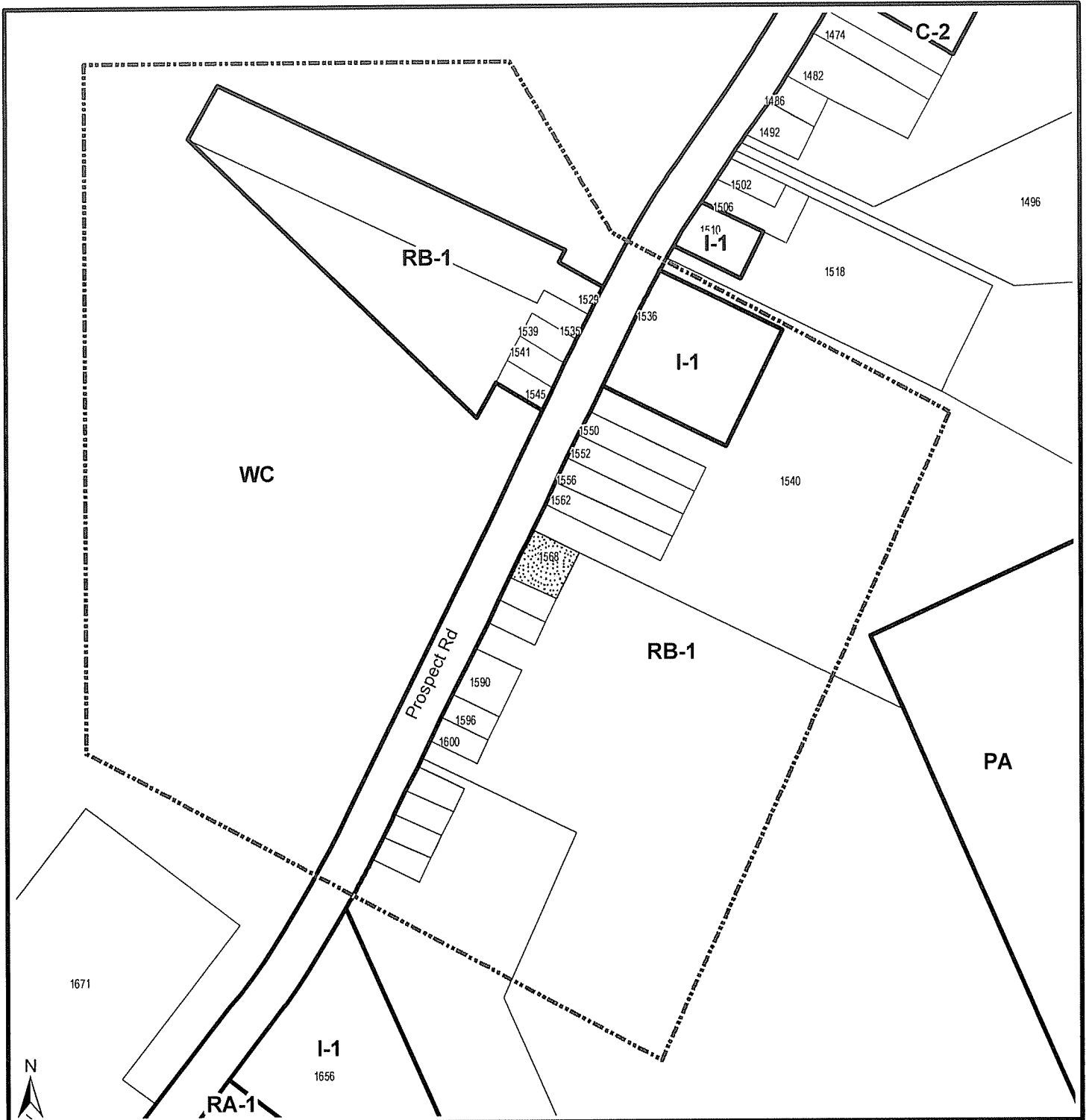
The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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


ALTERNATIVES


1. Council may approve the rezoning application. This is the recommended course of action.
2. Alternatively, Council may choose to reject the proposed rezoning. Pursuant to Section 225(5) of the Halifax Regional Municipality Charter, Council must provide reasons for this refusal based on the policies of the MPS.



Map 1 - Location and Zoning

1568 Prospect Road
Hatchet Lake

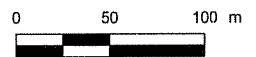
 Area proposed to be rezoned from RB-1 (Residential B-1) to C-2 (General Business)

 Area of notification

Planning District 4
(Prospect) Plan Area

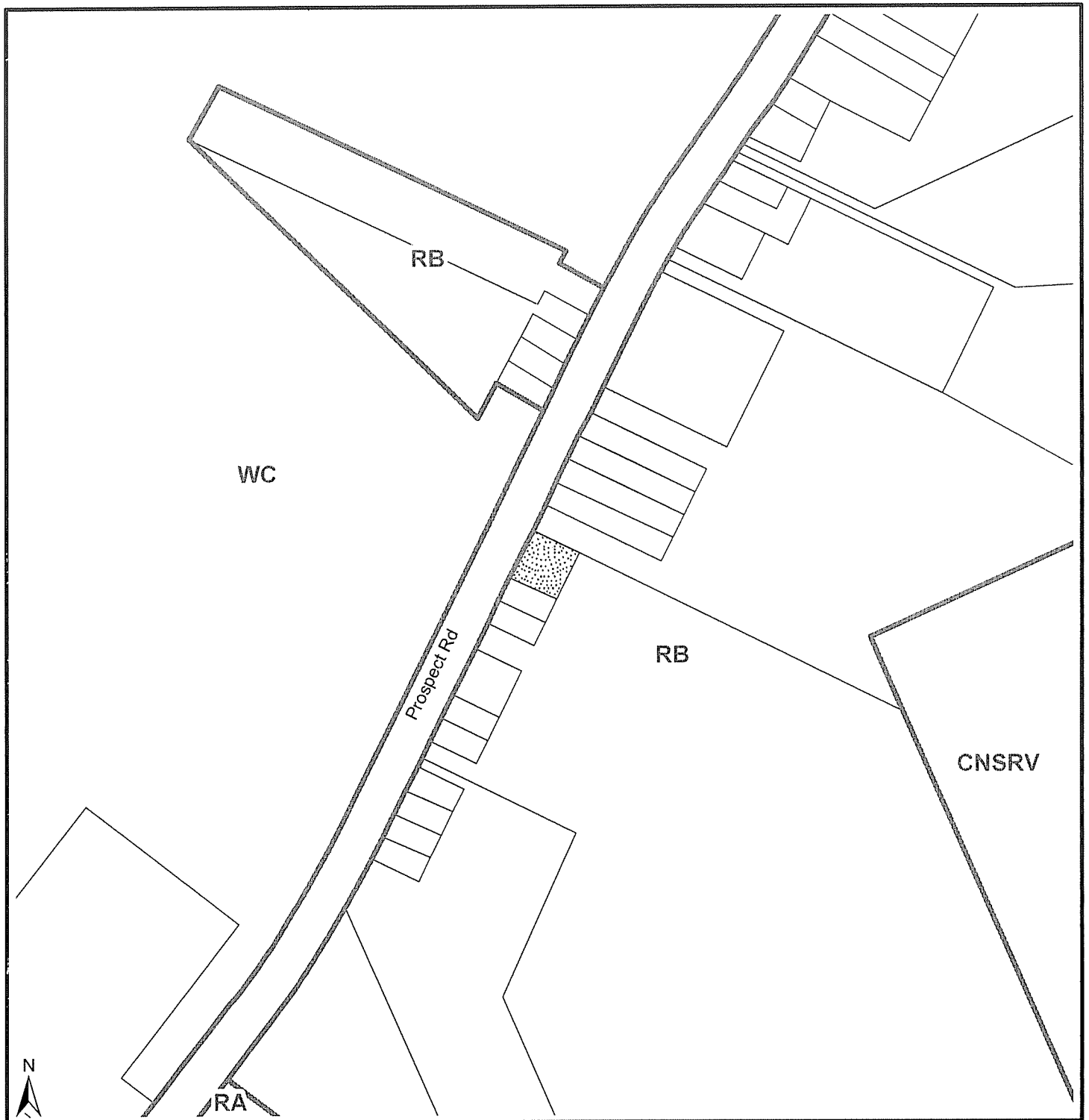
Zone

- RA-1 Residential A-1
- RB-1 Residential B-1
- C-2 General Business
- I-1 Light Industrial
- WC Western Common
- PA Protected Area




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

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



Map 2 - Generalized Future Land Use

1568 Prospect Road
Hatchet Lake

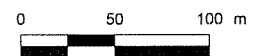
 Area proposed to be rezoned
from RB-1 (Residential B-1)
to C-2 (General Business)

Planning District 4
(Prospect) Plan Area

Designation

RA Residential "A"
RB Residential "B"
WC Western Common
CNSRV Conservation

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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

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

Attachment "A"
Amendments to the Land Use By-Law for
Planning District 4 (Prospect)

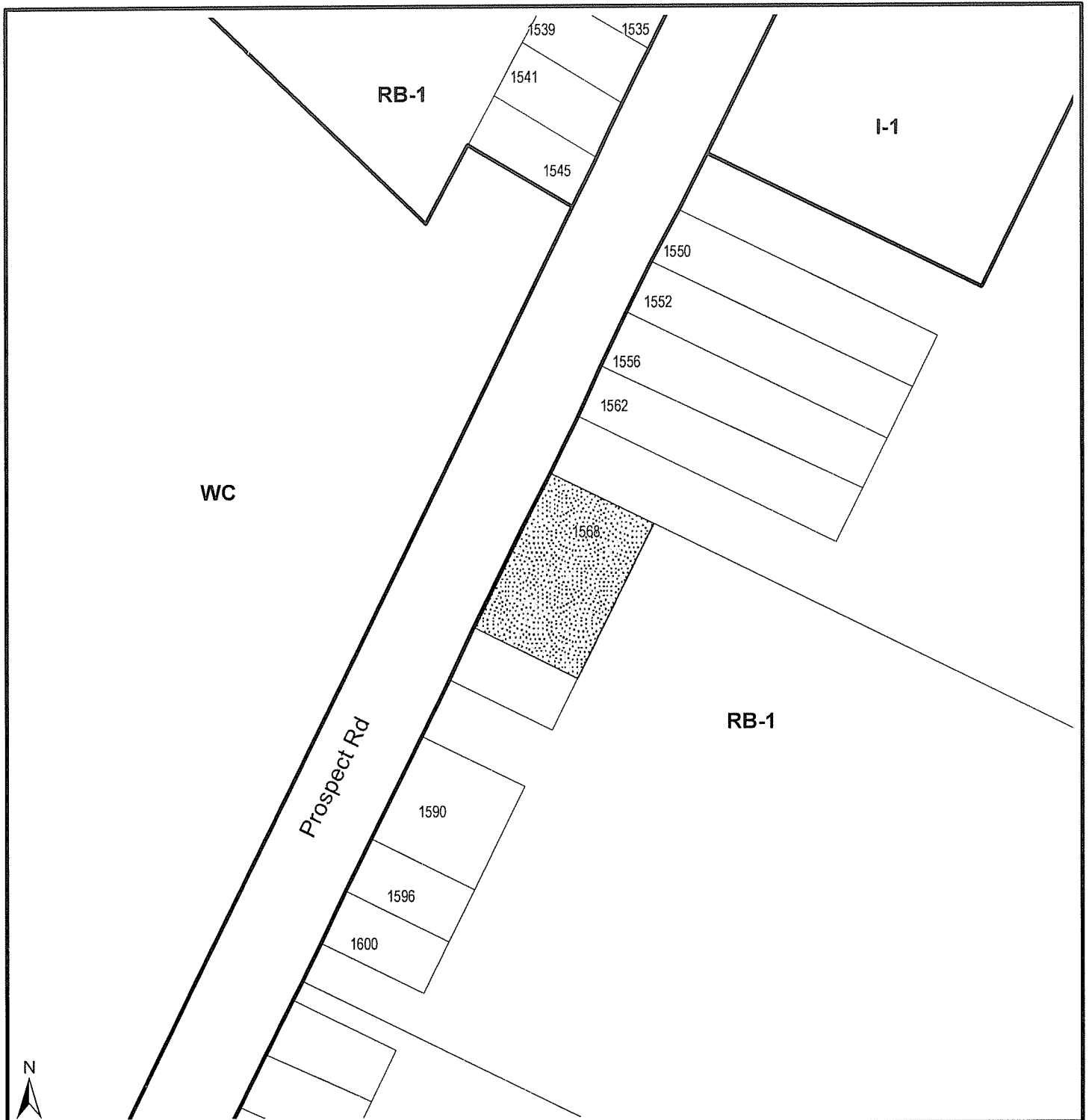
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect) is hereby amended as follows:

- 1. By amending the Zoning Map for Planning District 4 as shown on Schedule A.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Western Region Community Council of Halifax Regional Municipality held on the ____ day of _____, 2009.


GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 2009.

Municipal Clerk



Schedule A - Zoning

1568 Prospect Road
Hatchet Lake

 Area to be rezoned from
RB-1 (Residential B-1) to
C-2 (General Business)

Planning District 4
(Prospect) Plan Area

Zone

- RB-1 Residential B-1
- I-1 Light Industrial
- WC Western Common



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

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

Attachment "B"
Excerpts from the Planning District 4 (Prospect) MPS

At present, there are numerous commercial outlets located along Highway No. 333 which supply goods and services to residents throughout Planning District 4. This main transportation artery provides convenient access to commuters who travel this route daily. While it is the desire of the residents to provide for the continued development of commercial outlets within the Residential B Designation, it is also recognized that these developments must co-exist with the existing and future residential land uses. In order to minimize future land use conflicts, new commercial developments which are limited in size and type may be considered by amendment to the land use by-law. Existing commercial outlets which have been operating with minimal conflict with adjacent or nearby land uses shall be permitted to extend throughout the entirety of existing structures located on properties identified within the land use by-law, should the floor area exceed the present size limitation.

RB-9 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, it shall be the intention of Council to establish a general business zone which permits the development of general commercial uses, excluding service stations, motels and entertainment uses, up to a maximum floor area of ten (10) percent of the lot area. In order to address compatibility concerns, this zone shall place controls on open storage and outdoor display, the location and screening of refuse containers, parking and signage and require screening from existing and future residential developments. This zone shall be applied to existing commercial uses located throughout all of Planning District 4 and special provisions will be made to permit the increased use of existing structures located on lots listed in Sections 26.5 and 26.6 of the land use by-law. In considering amendments to the land use by-law, for new commercial uses, within the Residential B Designation, Council shall have regard to the following:

- (a) that the architectural design (external appearance) and scale of any building is compatible with nearby land uses; and
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety; and
- (c) the provisions of Policy IM-11.

IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:

- (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of on-site sewerage and water services;
 - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
 - (iv) the adequacy of road networks leading to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
- (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2, 2002 / E-August 17, 2002)**

Attachment "C"
Excerpts from the Planning District 4 (Prospect) Land Use By-law

PART 26: C-2 (GENERAL BUSINESS) ZONE

26.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses

Bed and breakfast outlets
Banks and financial institutions
Retail stores
Personal service shops
Offices
Commercial schools
Restaurants, drive-inns, take-outs and mobile canteens
Parking lots
Funeral parlours
Medical, dental and veterinary clinics
Service shops
Automotive repair outlets
Athletic, sports and health clubs
Greenhouses and nurseries
Outdoor display courts
Building supply outlets
Light equipment sales and rentals
Marinas and boat yards
Marine service industries (WRCC-Sept27/95, E-Oct21/95)

Residential uses

Residential dwellings containing up to two dwelling units

Other Uses

All existing dwellings including the existing 4 unit dwelling on LIMS No. 40430209
All existing businesses

26.2 C-2 ZONE REQUIREMENTS

In any C-2 Zone, where uses are permitted in accordance with Section 26.2, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear Yard or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

26.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as commercial uses in a C-2 Zone, the following shall apply:

- (a) The gross floor area of the commercial use shall not exceed ten (10) percent of the lot area.
- (b) Any area devoted to open storage shall not exceed fifty (50) percent of the lot area.
- (c) No outdoor storage or display shall be permitted within any required yard except as permitted within clause (e).
- (d) Any area devoted to outdoor display shall be not exceed twenty-five (25) percent of the lot area.
- (e) That any display areas shall be set back a minimum of ten (10) feet (3.0 m) from the street line.
- (f) That all commercial refuse containers shall be located beside or behind the building which it serves, subject to servicing constraints.
- (g) That all commercial refuse containers shall be enclosed by an effective visual screen so as to not be visible from the street and/or highway and from adjacent properties.

26.4 OTHER REQUIREMENTS: COMMERCIAL USES ABUTTING RESIDENTIAL USES OR VACANT LOT

Notwithstanding the provisions of Section 26.2, within a C-2 Zone, where any commercial use abuts any residential use and/or vacant lot(s), the following shall apply:

- (a) The side yard which abuts residential use(s) and/or vacant lot(s) shall consist of the greater of fifteen (15) feet (4.6 m) or five (5) percent of the lot frontage.
- (b) The rear yard which abuts residential use(s) and/or vacant lot(s) shall consist of the greater of fifteen (15) feet (4.6 m) or five (5) percent of the minimum lot depth.
- (c) No parking or driving aisles shall be permitted within the required side and/or rear yard which abuts a residential use(s) and/or vacant lot(s).
- (d) An effective landscaped barrier shall be provided throughout the required rear and/or side yard which abuts a residential use(s) and/or vacant lot(s). This barrier shall consist of either existing vegetation, newly established vegetation or a combination thereof, so long as it provides an effective visual screen.

26.5 EXEMPTION: EXISTING COMMERCIAL USES

Where any existing business zoned C-2 on the effective date of this by-law (as listed in Section 26.6), exceeds the commercial floor area permitted in Section 25.3 clause (a) any use permitted within the C-2 Zone may extend throughout the entirety of the structure in which it was located on the effective date of this by-law.

26.6 EXISTING COMMERCIAL USES

<u>Business Name</u>	<u>LIMS Index Number</u>
1. Harry Mitchel Sales	568071
2. Carl Lawrence TV Repair	40415671, 404722
3. Helen's Paint Box and Gary's Wood Yard	655688
4. Hatchet Lake Esso	380311
5. Community Medical Centre and Pharmacy	380097
6. Ritchies Tire Shop and Hants	381772
7. Urban Shell Service	381335
8. Tammy's Salon	40537268
9. Holts Take-Out	380204
10. Whites Lake Smart Cart	377861
11. Petro Can Station	377291
12. Pats Place	380246

13.	Kathy's Salon	378661
14.	AB Chance/Inn Joy Tea Room	377234
15.	Dr. McEvoy/Dentist	592568
16.	B.J. Settlers	40236895
17.	Bayside Irving and Grocery	40264681, 40064206
18.	Buddy's Canteen	386896
19.	Perry's General Store	384560
20.	Brophy's Bakery	387100
21.	Terry LeBlanc/Commercial Safety and Auto Glass Limited	404855
22.	Michael Price/K&T Hairstyling	491266
23.	Woodcrest Developments	40430209
24.	Gert Lenckersdorfer	40063992
25.	Bay Landing/Kwikway	40039265
26.	Jack Coolen Marina	570697
27.	Whites Lake Motorcycle	378661
28.	Richard Sampson	40484, 485516
29.	Hatchet Lake Takeout	380097
30.	William Jardine	40547549
31.	Russell Hazeldon	40066920
32.	Louise's Takeout	40067068
33.	Dover Sea Side Cottages, Ice Cream Stand, and Folk Art/Antique Store	40066730 40183170
34.	Big Lake Restaurant	40629792
35.	Triple A. Grocery	381665
36.	Abbies Restaurant and Associated Structures on the Lands of Linda Warden	40070179 377523

Attachment "D"
Minutes - Public Information Meeting
Case 01272
June 1, 2009

In attendance: Councillor Rankin
Luc Ouellet, Planner
Shanan Pictou, Planning Technician
Gail Harnish, Planning Services
John Organ, Applicant

Call to order/Purpose of meeting

Mr. Luc Ouellet called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Brookside Jr. High School. The purpose of the meeting is to inform the public of a rezoning application. It is an opportunity to identify the scope of the development and receive feedback from members of the public.

Overview of planning process

Mr. Ouellet advised the land at 1568 Prospect Road is currently zoned RB-1 (Residential B-1). The RB-1 zone allows for uses such as single unit dwellings and home businesses as well as a few businesses like craft shops and bed and breakfasts. The proposal is to rezone the property to C-2 (General Business) to enable the application for a canvas repair shop.

Mr. Ouellet reviewed the rezoning process:

- we are now at the PIM
- staff will do a detailed review of the application
- a report with a recommendation is tabled with Western Region Community Council
- Community Council will decide whether or not to proceed in terms of holding a public hearing
- if they proceed, a public hearing is held
- Community Council will make a decision on the application
- there is an appeal process

Mr. Ouellet displayed a photo of the area, pointing out the access to the property, the house and the garage.

Mr. Ouellet advised the policy that allows for a rezoning to be considered is Policy RB-9 (excerpt circulated in handout). It allows Community Council to consider a rezoning to C-2 in the Residential B Designation.

There are a few criteria to be considered when evaluating such an application:

- that the architectural design (external appearance) and scale of any building is compatible

- with nearby land uses
- the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety; and
- the general provisions of Policy IM-11.

Mr. Ouellet displayed the list of uses permitted in the C-2 (General Business) Zone (also circulated in the handout), noting it allows quite a variety of uses. The last one, marine service industries, is the use the applicant is looking for. The other uses can happen on the property, as-of-right, as well if the property is rezoned.

Presentation of proposal

Mr. John Organ stated they are hoping to start a small canvas shop and a marine supply retail store as a small family business. They do not plan on changing the property too much. They just put a small piece on the existing building to make it a little larger and that is pretty much it. The rest of the lot will be graveled with space for parking. They are not doing anything that is hazardous or environmentally non-friendly.

Questions and comments

Ms. Shirley Lynch, neighbour, asked if they would be running any noisy engines.

Mr. Organ responded they would not be doing any servicing. They are just a canvas shop.

Ms. Carol Macomber stated she and her husband owned the property beside the subject property. She asked what was meant by "marine service".

Mr. Ouellet advised it is not defined in the land use by-law (LUB), so it would be up to the Development Officer to determine what that encompasses.

Ms. Macomber questioned if "marine" would allow boats to be constructed there.

Mr. Ouellet responded it could be a boat yard. A boat yard is the storage of boats. However, they would not be able to be built there.

Councillor Rankin noted an amendment to the LUB was approved by Community Council in 1995 to allow for marine services. In the absence of criteria, it may allow for fabrication and canvas materials. We are not clear if it would permit the construction of boats. He asked for confirmation that it may allow for the sale of boats.

Mr. Ouellet responded yes.

Councillor Rankin noted that although they have stated their intentions, once the property is rezoned to commercial, they would be allowed to have by right any of the uses listed under "commercial uses", which includes things such as automotive repair outlets. As a result, there could be noise from

motors if an automotive repair outlet was to open there at some future time. The applicant has a right to apply for the C-2 zone. He asked if Community Council would have to provide reasons if they were to deny the request.

Mr. Ouellet responded yes.

Councillor Rankin noted staff have yet to make a recommendation. He asked if there is a burden on the Municipality as well if the recommendation is no.

Mr. Ouellet responded yes.

Councillor Rankin noted this goes back to pre-amalgamation. The plan area for Planning District 4 really includes all of Prospect Road. Not a lot of communities have the ability to change from residential to commercial zoning. Sometimes that comes as a surprise to people.

Councillor Rankin questioned whether there is some provision to control the hours of operation or could they conceivably hear motors after hours at 10 or 11 o'clock at night. He questioned whether there was the possibility of considering a rezoning but to require that it be the subject of a development agreement, which could address things such as hours of operation and buffering.

Mr. Ouellet advised the planning documents currently allow somebody to ask for these uses by way of a rezoning. If you want a bigger one of these uses and go more than 10% of the lot size, then the only way you can do that is by way of a development agreement. At that point we can put controls on things such as hours of operation. It is up to the community to decide if they are comfortable with the proposal.

Ms. Sonia Hoskins stated she and her husband were trying to start out with a small business. They lived in the area for fifteen years and had two kids. They are not going to put anything in the area that is going to cause harm to their neighbours. She lived two houses up and would not have her kids up at all hours of the night because of heavy machinery and loud noises. She cared about her neighbourhood and would not hurt her neighbours.

Ms. Macomber said she had a lot of unanswered questions about what a future owner could do if the zoning was changed and then the ownership changed hands. This is the time to ask the questions because once the zoning is changed, it is too late. She was still confused about what could happen on that property if the zoning is changed. She questioned what a personal service shop was.

Mr. Ouellet read into the record the definition of a personal service shop from the LUB. A "PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of person, and without limiting the generality of the foregoing, may include such establishments as barber shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution."

Mr. Organ indicated he understood the Municipality put something in place to require that automotive and repair of engines had to take place in an industrial area.

Ms. Macomber questioned what was meant by an outdoor display court.

Mr. Ouellet read into the record the definition of an outdoor display court from the LUB. An "OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, an outdoor display court may include the display of cars, trucks, cans, motor and mobile homes, trailers, boats, snowmobiles, motorcycling, swimming pools, decorative fountains and prefabricated cottages."

Ms. Macomber asked for confirmation that prefabricated cottages would be permitted if the property is rezoned to C-2. Mr. Ouellet responded yes.

Ms. Macomber stated she did not think they had enough information available to them, for instance, in terms of marinas and boat yards.

Mr. Ouellet advised staff could provide her with more information at a later date.

Ms. Macomber questioned if the noise levels are defined within the commercial use or the Noise By-law.

Mr. Ouellet advised there is one general Noise By-law for all of HRM. There is no difference in how noise is treated in a commercial zone versus a residential zone.

Ms. Macomber stated she had a concern about marinas, boat yards, service industries and automotive repair uses being permitted at the property in question. She did not have a concern about what was being proposed by these applicants. She referenced the suggestion by the councillor to the possibility of a development agreement.

Mr. Ouellet advised under current plan policy you can only consider a development agreement if the business is of a certain size or more than 10% of the lot area. If it is less than 10%, the only mechanism available in the plan is to consider it by way of a rezoning. There is no provision in the policy to consider a development agreement for something less than 10%.

Ms. Macomber commented it may be advantageous to the neighbourhood to have something over 10% so that it can proceed by development agreement so that there can be limitations.

Mr. Ouellet indicated he would look into that, however, it was not included as part of the application being considered.

Councillor Rankin questioned whether the applicant would consider a development agreement. If it was for more than 10% of the lot size, then the community might have some control over the use over time and possibly over hours of operation.

Mr. Organ stated what they want to do is have a marine supply and canvas shop. When they originally talked to Brian White, they talked about building size and that they should do the development agreement at the same time as the rezoning.

Mr. Ouellet, referencing the advertisement and meeting notice, advised it only referenced a rezoning. A letter would have to be submitted changing their application in order to consider a development agreement.

Councillor Rankin suggested staff should consider whether or not there is any merit in looking at the overall community and whether it was in the public's interest to look at the possibility of the Municipality being the applicant to change plan policy to require a development agreement in these instances. The C-2 zone permits an extensive list of uses. There may not be sufficient comfort with the definitions or the lack thereof. Marine uses could be a pretty broad statement. Somebody could have a building under 10% of the lot but perhaps have a lot of businesses around that building associated with marine service industries that are not part of the building but are part of the business.

Mr. Ouellet noted an exercise of that type could also look at the type of uses permitted in the C-2 zone.

Councillor Rankin noted that type of application can take quite some time. The community would have more security in terms of what could happen there if the footprint is larger and required a development agreement.

An individual questioned whether the list of existing businesses in the handout fell under the same General Business Zone.

Mr. Ouellet responded some were existing at the time the by-law came into effect.

The same individual asked if she was correct in saying some of the existing businesses are already permitted to have marine service industries on their properties if they choose to do so.

Councillor Rankin noted a lot of businesses were grandfathered at the time the plan was put into place as existing commercial uses.

Ms. Sandra Armstrong noted the possibility already exists for commercial properties on that road to have a C-2 use without going through a rezoning process.

Ms. Jane Whittle commented she thought they were getting a little off track. Any of the commercial lots on the Prospect Road can have any of the C-2 uses. The list of C-2 permitted uses is out there and has been for some time now. She asked if the tanning location could put in a marine use.

Mr. Ouellet responded yes, if they have the proper zoning.

Mr. Ouellet clarified some of the existing uses were probably zoned C-2 because the commercial zoning was applied to a lot of existing commercial uses.

Mr. Ouellet, referencing the handout, noted Clause 26.5 recognized these as C-2 existing uses and allows them to expand beyond the 10% within the structure without entering into a development agreement. Based on that exemption, he presumed the properties had commercial zoning.

Mr. Martin Downey questioned whether there is any zone higher than C-2.

Mr. Ouellet advised the C-2 zone is a commercial zone. There are also industrial zones.

An individual questioned whether anybody applied for C-2 zoning since amalgamation.

Mr. Ouellet indicated he was not aware of any.

Councillor Rankin advised he thought the Kaisers in Goodwood made an application. They were an existing business who did not come forward at the time of plan adoption.

Councillor Rankin asked about Policy IM-11.

Mr. Ouellet advised Policy IM-11 states : "that the proposal is not premature or inappropriate by reason of:

- (i) the financial capability of the Municipality to absorb any costs relating to the development;
- (ii) the adequacy of on-site sewerage and water services;
- (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
- (iv) the adequacy of road networks leading to or within the development; and
- (v) the potential for damage to or for destruction of designated historic buildings and sites."

Mr. Organ questioned whether somebody could get a license to put a garage anywhere in this area.

Mr. Ouellet responded a garage would be allowed in this area.

Ms. Macomber said she did not believe the people in attendance objected to a canvas repair shop but there is some uncertainty about some marine uses. She felt it made sense to continue on with a development agreement process.

Mr. Ouellet responded that could happen but the applicant would have to officially amend his application to do so.

Ms. Macomber questioned whether that process would entail any more input in terms of what is permitted on the site.

Mr. Ouellet advised there would have to be a public hearing held by Community Council. He was not sure if we would hold a second PIM.

Mr. Ouellet confirmed the I-1 (Light Industry) zone is higher than the C-2 zone. The I-1 zone allows C-2 uses plus more.

An individual commented there is concern being expressed about the C-2 zone but they now have I-1 zoning in the area.

Councillor Rankin questioned how close they were to the 10%.

Mr. Organ responded just over.

Ms. Hoskins said she understood the application they made was for a rezoning and a development agreement.

Councillor Rankin questioned where we were in the process.

Mr. Ouellet advised staff would determine if the application was going to be amended to be for a development agreement. A development agreement would give more assurance to the public in terms of giving more control.

Councillor Rankin questioned if the applicants would be okay with proceeding by way of development agreement.

Mr. Organ responded they would be okay with a development agreement. They lived next door and their kids go to school in the area. They planned to stay here. They would be more than happy to put that into a development agreement as long as it did not hold them back from taking on more canvas work. They did not plan to do any engine work or to make noise.

Mr. Ouellet noted that if they did proceed with the rezoning and the development agreement, there would be nothing to prevent a future owner from discharging the development agreement in years to come. It requires the decision of Community Council to discharge a development agreement.

Ms. Macomber asked for confirmation that a new owner could request that the development agreement be discharged.

Mr. Ouellet advised it is not automatic but usually Council will discharge a development agreement when asked to do so.

Councillor Rankin said he thought the people are trying to reach an area of accommodation. If a development agreement cannot be used in perpetuity, then perhaps Council could ask staff to consider that any rezoning from residential to commercial also be the subject of a development agreement. To require a development agreement all along the Prospect Road might be something the community would see as an improvement.

Ms. Macomber commented it sounds like it would be good for the community to have that.

Ms. Hoskins questioned if what was being suggested would hold up their application.

Mr. Ouellet responded he thought the councillor is suggesting another general approach.

Adjournment

The meeting adjourned at approximately 8:05 p.m.