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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Erin MacIntyre, Planner 1

DATE: July 18, 2014

SUBJECT: Case 19172: Application by R.E. Jones Investments Limited on behalf of Hartland Developments Limited and Hammonds Plains Service Centre to rezone 2074, 2090 and 2092 Hammonds Plains Road, Hammonds Plains, from I-1 (Mixed Industrial), P-2 (Community Facility) and MU-1 (Mixed Use 1) to C-4 (Highway Commercial).

Background:

The applicant has requested rezoning of two properties, 2074 and 2090/2092 Hammonds Plains Road in Hammonds Plains, to the C-4 (Highway Commercial) zone.

2074 Hammonds Plains Road: currently contains the Hammonds Plains Service Centre. The property is zoned I-1 (Mixed Industrial), MU-1 (Mixed Use 1) and P-2 (Community Facility). The applicant would like to make the zoning uniform by applying the C-4 Zone, but has no plans to develop the property at this time.

2090/2092 Hammonds Plains Road: is currently zoned MU-1 (Mixed Use 1) and is planned to be developed in two phases: Phase 1 is a 2,500 square foot drive-in restaurant (a 1950's style diner), and the second phase is a 7,500 square foot commercial plaza proposed at the rear of the property and not intended to commence within the next 5 years. Both the use (drive-in restaurant) and the size of the buildings (over 2,000 square feet commercial gross floor area) are not permitted by the current zone and are allowed by the C-4 Zone.

The rezoning process contains no conditions, and so while the developer has provided plans indicating the intent, any use permitted by the C-4 use would be available, should the rezoning be successful, subject to meeting the requirements of the zone.

Existing Use 2074 Hammonds Plains Road contains the Hammonds Plains Service Centre and 2090/2092 Hammonds Plains Road contains a two unit dwelling.

Designation MUB (Mixed Use B) under the Beaver Bank, Hammonds Plains & Upper Sackville Municipal Planning Strategy (MPS). Refer to Map 1 (GFLUM).

Zoning MU-1 (Mixed Use 1), I-1 (Mixed Industrial) and P-2 (Community Facility) under the Beaver Bank, Hammonds Plains & Upper Sackville Land Use By-law (LUB). Refer to Map 2 (Zoning).

Proposal No development is planned for 2074 Hammonds Plains Road at this time. However, 2090/2092 Hammonds Plains Road is planned to be developed in two phases. The first phase is a 2,500 square foot drive-in restaurant (1950's style diner); the second phase is a 7,500 square foot commercial plaza.

MPS Policy Policies P-24 and P-137 of the Beaver Bank, Hammonds Plains & Upper Sackville MPS. A copy of the relevant policies is attached for the Committee's reference as Attachment A.

Input Sought from North West Planning Advisory Committee

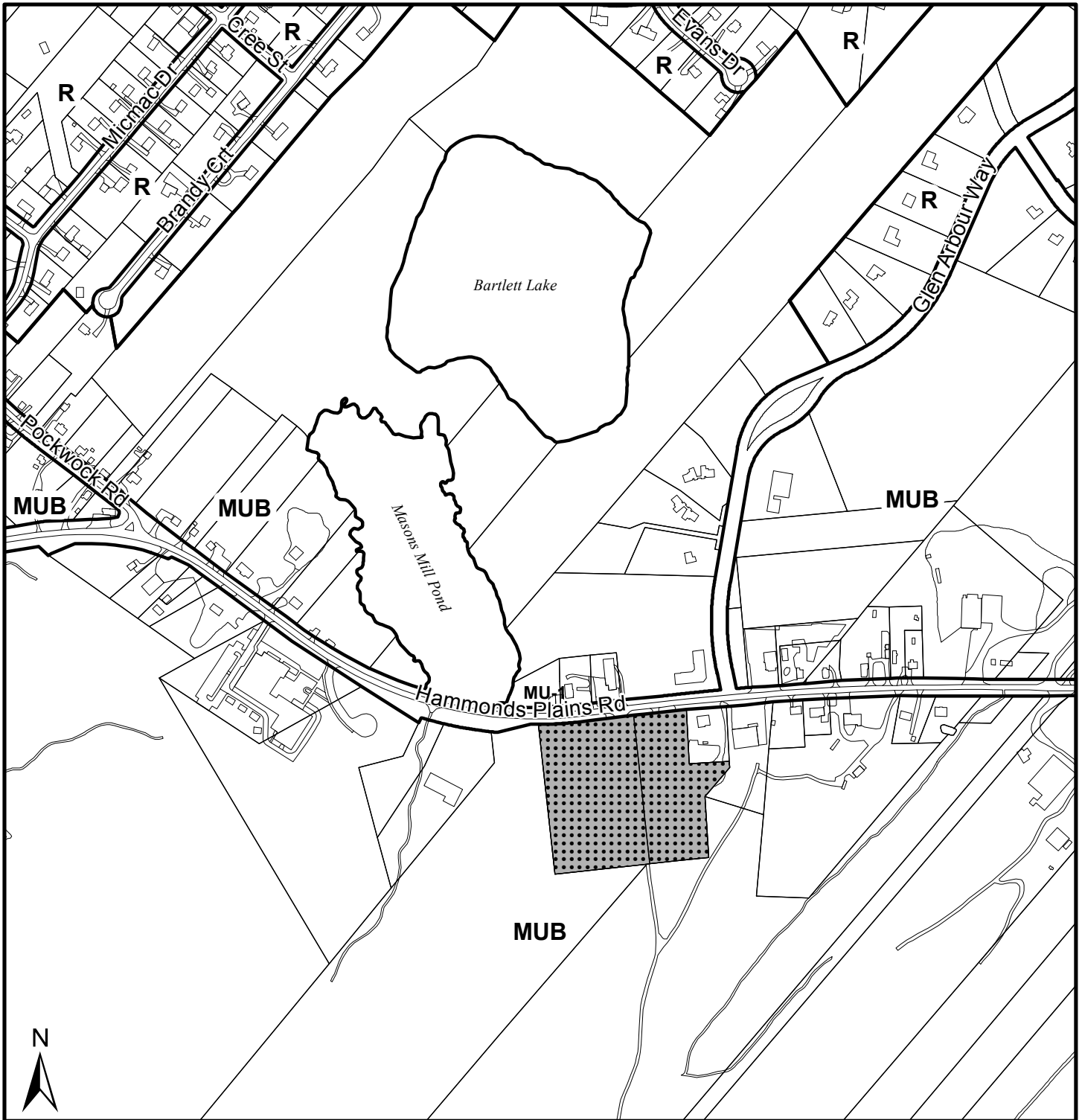
Feedback is sought from NWPAC relative to this proposed rezoning from the MU-1, I-1 and P-2 zones to the C-4 Zone of the Beaver Bank, Hammonds Plains & Upper Sackville LUB. NWPAC's recommendation will be included in the staff report to Community Council.

Attachments:

Map 1 Generalized Future Land Use Map
Map 2 Zoning Map

Attachment A Excerpts from the Beaver Bank, Hammonds Plains & Upper Sackville MPS (Policies P-24, P-137)


Attachment B Public Information Meeting Minutes



Map 1 - Generalized Future Land Use

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)

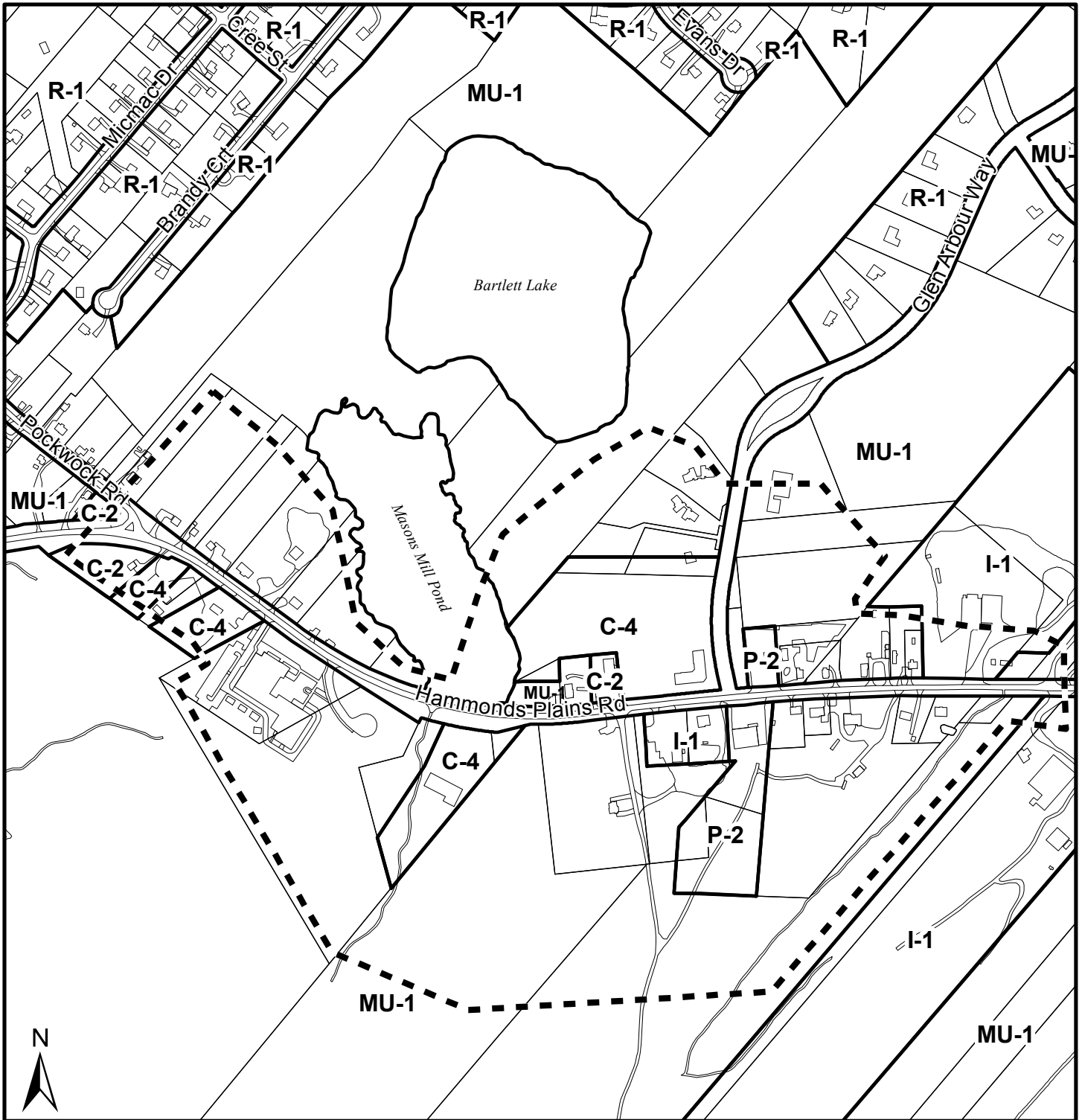
Designation
R Residential
MU-B Mixed Use B



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


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


Beaver Bank, Hammonds Plains and Upper Sackville
Plan Area



Map 2 - Zoning and Notification

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)

 Area of notification

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

Zone

R-2 General Residential
R-3 Multiple Dwelling
RC-1 Neighbourhood Commercial
P Park and Institutional

HALIFAX

0 50 100 150 200 250 m

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 A

Excerpts from the Beaver Bank, Hammonds Plains & Upper Sackville Municipal Planning Strategy

Policy 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:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
- (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
- (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
- (g) the provisions of Policy P-137.

Policy P-137:

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:

- (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;
- (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 central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent 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 site 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 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)**

Attachment B:

Case 19172: Public Information Meeting Minutes

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 19172**

**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 Councillor Matt Whitman
ATTENDANCE: Randy Jones, Consultant

PUBLIC IN
ATTENDANCE: 22

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 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 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 explained that he is from Masthead News and is seeking further detail in regards to septic and water supply and what landscaping plans are being proposed.

Mr. Jones explained the septic plan is designed by Servant Dunbrack to accommodate both the restaurant and the future development of the site. He is unable to comment on the flows however, he could investigate it further and provide more details to Mr. Ayling. He explained the landscaping is part of the permit application process and have not looked at this detail of the application at this time. At this stage they are currently looking for approval for the rezoning. He did add 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 explained 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 Land Use 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 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 there is no development agreement attached to this application. If the rezoning application is approved, the zone will be changed to C-4 and future development will be as-of-right.

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

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

Mr. Rob Staggor, 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 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 bringing 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 affected 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 the traffic on the Hammonds Plains Road is a concern to all residents however, does not feel 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 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 approach/project for the Hammonds Plains Road area. He supported the comments regarding storm water management, landscaping and traffic. 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 comments he felt this is good for the area. He commented on the number of planning applications in the area and the concern with the planning approach being piecemeal. He asked for planning staff to comment if there is any other way (other than the Secondary Planning process approach) to do rezoning more efficiently, more comprehensive, and more quickly. He also asked 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 question regarding the more comprehensive approach for the area. She comments that her observation has been that there is an interest for larger buildings which is triggering several of the rezoning requests so maybe the commercial square footage requirements should be reviewed.

Ms. Cathie Lynds, Hammonds Plains explained that she is in support of the application and explained that all the zones in the area allow the proposed use but not the proposed scale. She does not feel that there should be any issues in rezoning this property to C-4.

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

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.