



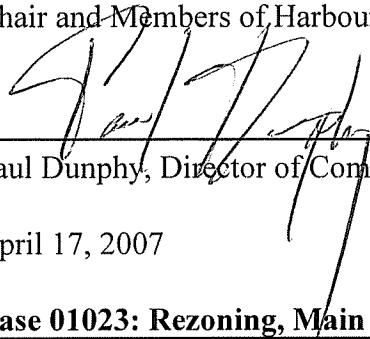
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

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Harbour East Community Council

~~May 3, 2007~~
June 14, 2007

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 17, 2007

SUBJECT: Case 01023: Rezoning, Main Street/Tacoma Drive Area, Dartmouth

ORIGIN

March 1, 2007 - Motion of Harbour East Community Council requesting a staff report regarding the rezoning of the Main Street Business District

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed rezoning as shown on Map 1 and schedule a public hearing;
2. Approve the rezoning of the Main Street/Tacoma Drive commercial area from C-3 (General Business Zone) to C-2 (General Business Zone) as shown on Map 1.

EXECUTIVE SUMMARY

Staff recommends the approval of a rezoning of the Main Street/Tacoma Drive business district from C-3 to C-2, a change which would restrict further warehouse development in the area, and permit the consideration of residential development. This change would serve to carry out the intent of the Regional Municipal Planning Strategy (RMPS) and is also in accordance with policy IP-1(c) of the Dartmouth Municipal Planning Strategy (MPS).

At the discretion of the Councillor for the district, no public information meeting was held to discuss this planning application. However, this application was initiated by Council following several community meetings and workshops held in the area as part of the "HRM Main Street Streetscape Study", where a future vision for the area was developed in consultation with residents and business owners in the area. This study recommended immediate rezoning of the area from C-3 to C-2, as a short term measure to begin to allow the area to redevelop in a manner more consistent with the vision, until more detailed secondary planning and urban design exercises can be undertaken.

BACKGROUND

Area Overview

The Main Street/ Tacoma Drive commercial area has developed with a range of strip commercial uses containing retail stores, restaurants, offices, personal service shops, and some warehouses. Most businesses are generally located in one or two storey buildings with surface parking. The area is well served with sidewalks, and there is an on-street Metro Transit hub, serviced by four routes (three of which are accessible routes with low-floor buses) with good connections to the bridge and ferry terminals, malls, universities and Burnside Business Park.

While there are very few residential uses remaining in the business area itself, the area is surrounded by a mix of medium to low density residential uses.

Policy and Zoning:

As shown on Map 2 (attached) the Main Street/Tacoma Drive area is located in the Commercial designation under the Dartmouth MPS. As shown on Map 1, the majority of the properties in this area are located within the C-3 (General Business) Zone which permits the broadest range of commercial uses, including quasi-industrial uses such as warehouses, as described in Attachment "A". The C-3 Zone does not permit residential uses.

Further to the adoption of the RMPS in 2006, the area has been designated as a *Suburban Local Centre*. While the boundaries of centres designated through the RMPS still need to be clearly defined through a secondary planning process, such centres are characterized in the RMPS as suitable for a mix of land uses with low to medium density residential uses and convenience commercial uses.

DISCUSSION

HRM's Capital District office recently commissioned a consulting firm (Ekistics Planning & Design) to work on the 'Main Street Streetscape Study'. Through a series of community meetings and workshops, and guided by a steering committee of staff and stakeholders, the consultants developed a vision for the Main Street/ Tacoma Drive area as a mixed use (commercial/ residential) 'village centre' linked to the Regional Centre with infrastructure supporting transit and active transportation. While they recommended that further work was required to develop suitable design guidelines for redevelopment of the area, the consultants suggested that the immediate rezoning of the area from C-3 to C-2 would serve in the short term to permit the area to redevelop in a way that was more in keeping with the vision developed in the community. The consultants stressed that the C-3 Zone was inconsistent and inappropriate with their future vision for the Main Street area.

While the C-3 Zone of the Dartmouth Land Use By-Law (LUB) permits warehousing and restricts residential development, the C-2 Zone restricts warehousing and permits residential uses. Both zones permit a broad range of commercial uses including retail, office, service stations, personal service shops, restaurants, etc. The C-2 Zone will allow the area to grow in a way that is more compatible with the vision described above, primarily because it allows the introduction of residential uses into the commercial mix. The C-2 Zone permits R-1 (Single Unit Residential), R-2 (Two Unit Residential), and TH (Townhouse) uses as of right, and R-3 (Medium Density Residential) uses by development agreement in accordance with policies IP-5 and IP-1(c) of the Dartmouth MPS. While applying the C-2 Zone will create development opportunities by allowing the consideration of apartment buildings (stand alone, or as a component of mixed use buildings with ground floor commercial for example), the development agreement process will help ensure that such developments are compatible with the future vision for the area.

This rezoning would serve to carry out the intent of the RMPS which has designated the area as a local suburban centre and has a stated goal of promoting "walkable, mixed-use communities where people can be more active in their daily lives". Bringing more people to live in areas where they shop and work, as this rezoning would allow, serves to further this goal, until a more detailed secondary planning processes can be carried out for each of the centres, as envisioned by the Regional Plan.

Compatibility and Consistency with Adjacent Uses

The introduction of residential uses in this area has already begun to occur. Last year, Council approved a rezoning from C-3 to C-2 of a property on Lakecrest Drive to allow for the development of a small apartment building by development agreement. Planning staff have also fielded inquiries from property owners in the area about the possibility of converting difficult-to-rent second storey business space into residential units. Residential incompatibility with existing warehouse uses will be minimal, because there are actually very few warehouses in the area. The majority of the existing warehousing is self storage, a type of warehousing that is quite compatible with residential uses because it is not associated with large trucks, early morning loading, or other nuisance effects typical of other types of warehouses. Furthermore, the C-2 Zone only allows larger residential projects (with

three or more units) by development agreement, so Council will have discretion over where residential may be introduced, or not.

Impact on Property Owners

Should Council approve the rezoning, a few properties (i.e. existing warehouses) will become non-conforming uses. This impact should be minimal because there are not many warehouses in the area. The only warehousing appears to be on Hartlen Street (ATCAN Self Storage) and on Lakecrest Drive, west of the intersection with Raymond Street.

The intent of conferring non-conforming status upon any use is to restrict that use from further expansion and to ultimately cause the use to cease so that the land affected may revert to, or be redeveloped as, a use conforming with the policy intent and the zoning bylaw. It seems reasonable to expect that one day these properties might be redeveloped in a conforming manner because the C-2 Zone will actually create some redevelopment opportunities (i.e. R-3 uses) that may appeal to the property owners.

In the future, Council may wish to consider self storage as a use distinct from regular warehousing. As discussed above, self storage typically generates no complaints from abutting residential uses, and serves mixed use - medium density communities by supporting compact living and home-based businesses. Self storage may more aptly belong close to residential areas, instead of in single use industrial parks requiring users to drive large distances to access their stored belongings. However, one concern with self storage may be it's architecture. After ATCAN completed their recent expansion, HRM fielded several complaints about the building's appearance. Through secondary planning, Council may wish to consider design standards to help such uses better integrate with the community.

Public Participation

A Public information meeting for this application was waived by the district Councillor. This report is preceded by a consultant's study (the Main Street Streetscape Study) which included several meetings and workshops in a variety of venues in the community where these ideas were discussed with members of the public.

Should Council decide to hold a public hearing, property owners affected by the rezoning, as shown on Map 1 will be notified by direct mail and advertisements will be placed in the newspaper in accordance with requirements of the *Municipal Government Act*.

BUDGET IMPLICATIONS

None.

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

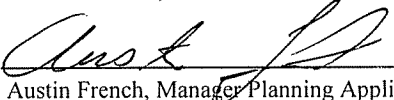
1. Council may choose to approve the rezoning. This is the staff recommendation.
2. Council may choose to refuse the rezoning. This is not recommended, because the proposal reasonably carries out the intent of the Municipal Planning Strategy.
3. Council may choose to modify the area of the rezoning. This is not recommended as it might warrant further review.

ATTACHMENTS

Map 1: Location, Zoning and Notification Area
Map 2: Generalized Future Land Use Map for Dartmouth
Attachment A: C-2/ C-3 Zones of the Dartmouth Land Use By-Law
Attachment B: Relevant Policies of the Dartmouth Municipal Planning Strategy

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> 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 : Hanita Koblents, Planner 490-4181

Report Approved by:  Austin French, Manager Planning Applications 490-6717



Map1
Location, Zoning, and Notification Map

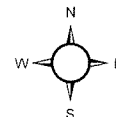
Case 01023
 Main Street
 Re-Zoning C-3 to C-2



Legend

- | | | | |
|--|------------------------|--|---|
| | C-2 (General Buisness) | | R-1 (Single Family Residential) |
| | C-3 (General Buisness) | | R-2 (Two Family Residential) |
| | P (Park) | | R-3 (Multiple Residential Medium Density) |
| | S (Institutional) | | R-4 (Multiple Residential High Density) |
| | TH (Town Housing) | | |

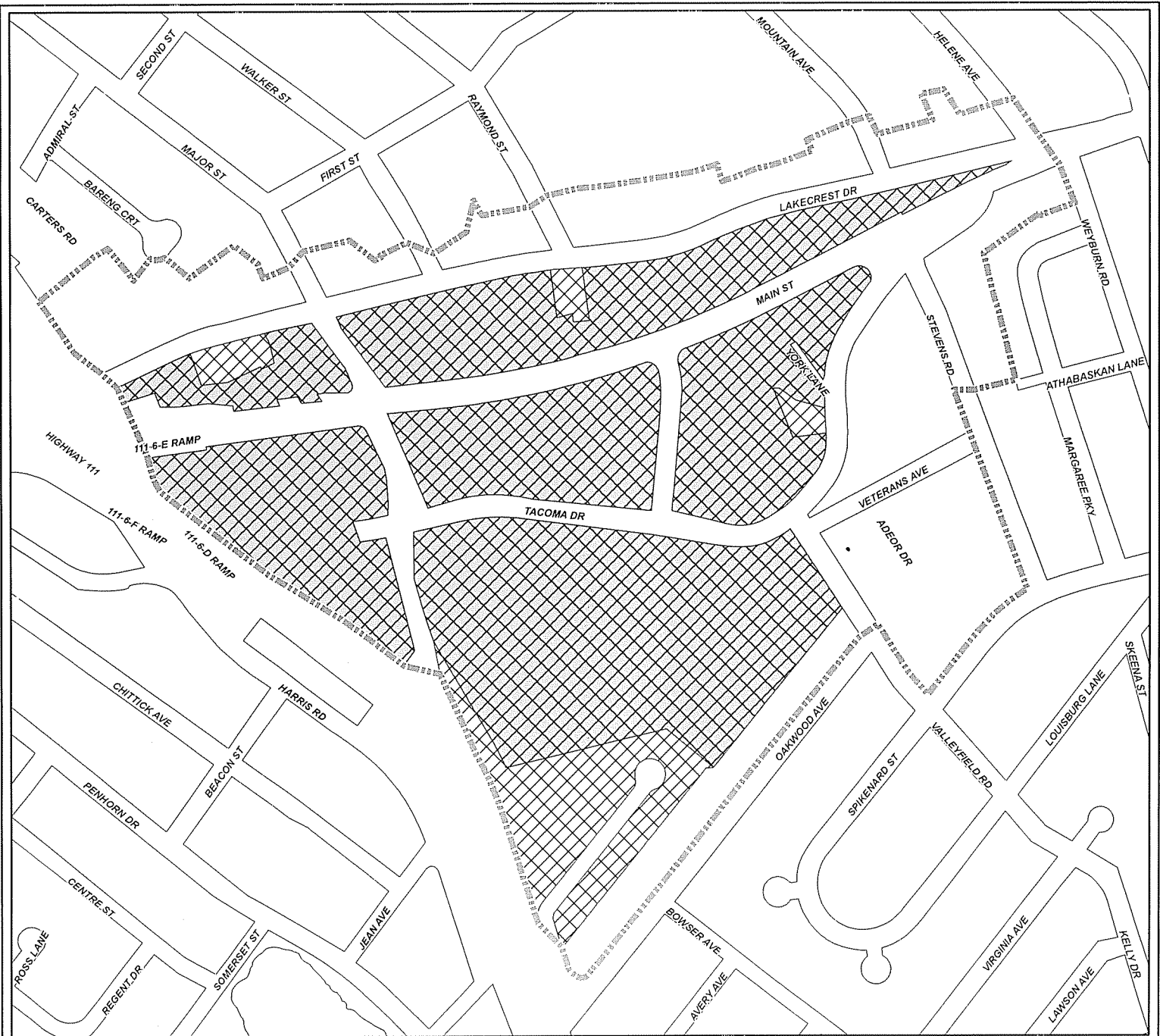
- Notification Area
- Subject Properties



0 25 50 100 150 200 Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area





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

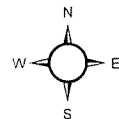


Map 2
Generalized Future Land Use Map

Case 01023
 Main Street
 Re-zoning C-3 to C-2

Legend

-  Residential
-  Commercial
-  Notification Area
-  Subject Properties to be re-zoned from C-3 to C-2



0 25 50 100 150 200 Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area

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

Attachment A: C-3 and C-2 Zones of the Dartmouth Land Use By-Law

C-3 ZONE - GENERAL BUSINESS ZONE

40.(1) The following uses only shall be permitted in a C-3 Zone:

- (a) C-2 uses as herein set out, excepting therefrom any residential uses;
(I) except Adult Entertainment uses (As amended by RC January 31/06 Eff date March 16/06)
- (b) warehousing and distribution

(2) Buildings used for C-3 uses in a C-3 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 square feet
- (b) Height maximum - 3 storeys for a building with an office function as its primary function.
- (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
- (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.
- (e) *Additional Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC - Feb 8, 2005 E - April 23, 2005)*

C-2 ZONE - GENERAL BUSINESS ZONE

39.(1) The following uses only shall be permitted in a C-2 Zone:

- (a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
- (b) Business or commercial enterprises except:
 - (i) obnoxious uses and uses creating a hazard to the public and
 - (ii) offices other than those permitted in the C-1 Zone
 - (iii) *except Adult Entertainment uses (As amended by RC January 31/06 Eff date March 16/06)*
- (c) Uses accessory to the foregoing uses.

(2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.

(3) Buildings used for C-2 uses in a C-2 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 sq. ft.
- (b) Height maximum - 3 storeys for a building with an office function as its primary function.
- (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
- (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building Bylaws of the City of Dartmouth.
- (e) *Additional Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC - Feb 8, 2005 E - April 23, 2005)*

Attachment B: Relevant Policy of the Dartmouth Municipal Planning Strategy

Policy 1P-1 (c) - Zoning Bylaw

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (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
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (I) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
 - (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use
- (6) 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 near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
 - (I) type of use, density, and phasing
 - (ii) emissions including air, water, noise
 - (iii) traffic generation, access to and egress from the site, and parking
 - (iv) open storage and landscaping
 - (v) provisions for pedestrian movement and safety
 - (vi) management of open space, parks, walkways
 - (vii) drainage both natural and sub-surface and soil-stability
 - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors
- (8) 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
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
 - (i) Council with a clear indication of the nature of proposed development, and
 - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community