

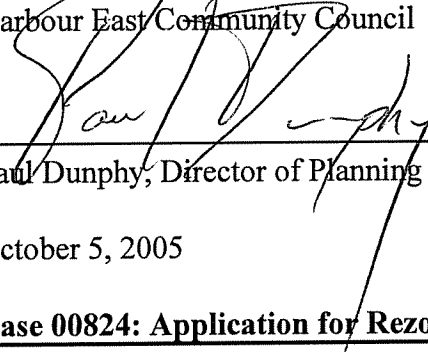
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Harbour East Community Council
November 3, 2005

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: October 5, 2005

SUBJECT: Case 00824: Application for Rezoning - 91 Tacoma Drive

ORIGIN

Application by ATCAN Self Storage Ltd. to rezone a portion of 91 Tacoma Drive in the commercial designation from R-2 (Two Family Residential) to C-3 (General Business Zone).

RECOMMENDATIONS

It is recommended that Harbour East Community Council:

- Give First Reading to consider a rezoning of a portion of 91 Tacoma Drive and schedule a public hearing for December 1, 2005;
- Approve the rezoning of a portion of 91 Tacoma Drive in the Commercial Designation from R-2 (Two Family Residential) to C-3 (General Business Zone), as shown on Map 1.

BACKGROUND

The property at 91 Tacoma Drive (PID 00175562) is split zoned with the portion fronting Hartlen St. zoned C-3 and the portion fronting Tacoma Dr. zoned R-2 (Map 1). The C-3 portion once had a Canadian Tire store with a development agreement (Municipal Case #90707) permitting a parking lot on the R-2 portion. This parking lot replaced four dwellings on previously existing lots at 93, 95, 97 and 103 Tacoma Dr.

ATCAN Self Storage currently occupies the former Canadian Tire Store and two other buildings on the C-3 portion of the site. ATCAN proposes to build an additional 2 storey self storage building, comprising self-contained, heated, self storage units.

A public information meeting was held on Wednesday, September 28, 2005. Notice was mailed to nearby property owners (Map 1 - Notification Area) and advertised in the Chronicle Herald. Four individuals attended the meeting and expressed no serious concerns with the proposal. Minutes of the meeting may be found in Attachment A. The same notification area is proposed for the public hearing.

DISCUSSION

The proponent needs a C-3 zone to operate the self storage operation as this is considered a warehousing use which cannot be accommodated by another commercial zone (e.g. C-2). When considering a rezoning, Policy IPI (c) of the Dartmouth Municipal Planning Strategy (MPS) directs Council to have regard for a number of criteria (Attachment B). Criteria relevant to this proposal are addressed below.

- **That the proposal is in conformance with the policies/intent of the MPS**

Under most circumstances, rezoning from a residential zone to a commercial one is not permitted without first amending the MPS. In this case however, the property is already designated 'Commercial' in the Dartmouth MPS (Map 2). The property was likely zoned R-2 because it contained pre-existing residential dwellings (i.e. it was "zoned to use"), however, the intent for this land to host commercial uses has long been recognized since adoption of the Dartmouth MPS in 1978.

- **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**

The proposal is primarily surrounded by properties zoned C-3 consisting of various low to mid-rise commercial buildings with on site parking. Only two residential properties exist on the same block as the subject property. These are located to the northeast of the subject property, on lots zoned R-2 located at the top of a steep, well vegetated hill, behind a wood fence (Map 1).

- **Provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries**

The land use bylaw for Dartmouth contains provisions requiring buffering and screening of commercial properties from adjacent residential ones (Attachment C). Any redevelopment of the site

would require compliance with these requirements. As noted above, significant buffering already exists, combined with a topographical separation of the commercial from the residential property.

- **Adequacy of Servicing/Infrastructure**

Existing water and sewer services to the site are adequate to support the proposed building. The site is already asphalt covered so no increase in impermeable surface will result from this proposal.

- **The proposal is not an obnoxious use**

Self storage buildings are not considered an obnoxious use. The Development Officer cannot recall a single complaint about this type of use in the Eastern Region. Although application of the C-3 zone would enable other forms of warehousing and distribution (Attachment C) to develop at this location, there is adequate buffering from adjacent uses in the event of this. Furthermore, most of the adjacent properties are already zoned C-3.

- **Suitability of site**

The site is an already paved area primarily surrounded by other C-3 uses. A development agreement for a commercial parking lot on the area was approved in 1981, resulting in a commercial appearance for this property for the past 24 years.

Conclusion

Planning staff consider this to be a reasonable application.

BUDGET IMPLICATIONS

There are no budget implications.

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 requested rezoning. This is recommended for reasons described above.
2. Alternatively, Council may choose to refuse the requested rezoning. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1:	Zoning and Location
Map 2:	Generalized Future Land Use Map
Attachment A:	Public Information Meeting Minutes
Attachment B:	Extract from Dartmouth MPS Policy
Attachment C:	Extracts from Dartmouth Land Use Bylaw

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Hanita Koblents, Planner I

(902) 490-4181



Map 1
Zoning & Location

91 Tacoma Drive

Dartmouth Land Use By-Law Area



Subject Property



Notification Area

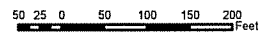
Zone

- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- C-3 General Business Zone



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PLANNING AND
DEVELOPMENT SERVICES



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 on this plan



Map 2
Generalized Future Land Use

91 Tacoma Drive

Dartmouth MPS



Subject Property

Designation



Commercial

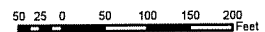


Residential



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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Municipal Planning Strategy

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Attachment A
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - ALDERNEY GATE OFFICE
PUBLIC INFORMATION MEETING
CASE 00824 - ATCAN SELF STORAGE - 91 TACOMA DRIVE, DARTMOUTH

7:00 p.m.
Sept 28, 2005
St. Lukes Church Hall, Dartmouth

STAFF: Hanita Koblents, Planner
Samantha Charron, Administrative Support

OTHER: Councillor, Andrew Younger

APPLICANT: Dwayne Cameron, ATCAN Self Storage
David Wallace, Crombie Properties

**MEMBERS OF
THE PUBLIC:** 4 people

The meeting commenced at approximately 7:00 p.m.

1. INTRODUCTIONS/OPENING COMMENTS

Hanita Koblents welcomed residents to the meeting and thanked them for attending. She introduced local councillor Andrew Younger, Dwayne Cameron representing ATCAN Self Storage and David Wallace representing Crombie Properties. She then introduced herself as the planner assigned to this case.

Councillor Younger also welcomed residents and indicated he was in attendance to listen to comments and concerns residents have regarding this rezoning. He explained there would be a future public hearing in which residents would have the opportunity to speak to this application, before Council.

Ms. Koblents explained the public information meeting was scheduled for residents to discuss the application submitted by ATCAN Self Storage to rezone a portion of their property on Tacoma Drive from R-2 (Two Family Residential) to C-3 (General Business Zone).

Ms. Koblents gave a brief explanation of the planning process to residents. She continued with an overview of the application, explaining ATCAN is interested in expanding their storage business. She indicated the zoning would have to be changed to allow for this type of use on the

portion of property ATCAN would like to develop. She also explained when an application is submitted Staff and Councillors are directed to evaluate any application according to policy and regulations in the applicable Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for the planning district. She indicated in this case, policy IPI(c) of the MPS for Dartmouth applies and stated some of the elements considered by staff when evaluating this application will be: that the proposal is in conformance with the intent of the MPS; to ensure the proposed changes will be compatible with adjacent uses; bulk and scale of the proposal; provisions for buffering, landscaping, screening and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries, and; adequacy of servicing and infrastructure will be reviewed as well.

Ms. Koblents then explained the public information meeting is an opportunity for staff to gauge the level of support by residents for potential changes. It is also an opportunity for staff to inform residents of approximate time lines for a process of this nature and it gives residents the chance to fully understand the proposed changes and express any concerns they may have. She then asked Mr. Cameron to give his presentation.

Mr. Cameron gave a brief history of ATCAN Properties. He explained ATCAN is part of Crombie Properties which is a sister company of Sobey's, Empire Theaters and many others. He stated ATCAN is the largest self storage company in Atlantic Canada and described the type of storage they provide to their patrons. He continued with an overview of landscaping characteristics and security aspects for the property.

Mr. Cameron stated the property was purchased from Canadian Tire in 2002 he indicated after the building was purchased they decided to convert it into a storage facility. He described all the renovations and upgrades done to the building since the time it was purchased. He then described two new buildings constructed in 2004 (155 storage units in total) on the site.

Mr. Cameron then showed a site plan of the property describing the existing structures and the proposed changes including new construction, fencing, landscaping and property access changes being considered.

2. QUESTIONS AND COMMENTS

David Stevens asked what the future plans are for the old Shopper Drug Mart store located beside the ATCAN property?

Mr. Cameron indicated the property is not owned by ATCAN or Shoppers Drug Mart and stated they have contacted the owners to see if they are interested in selling the property. To date they have not received a response from the property owners.

David Stevens asked how close the ATCAN fence will be located from the old Shoppers Drug Mart building?

Mr. Cameron indicated the old Shopper Drug Mart building is located eight feet from the ATCAN property line and the proposed building will be about 38 feet from the old building.

David Stevens asked if ATCAN would be extending their fence?

Mr. Cameron stated the fence would enclose all of the ATCAN property and stated at the same time they will be closing off the access on Tacoma Drive with a padlocked gate. Mr. Cameron indicated this will ensure all traffic entering the ATCAN property will be from Hartlen St.

David Stevens asked Mr. Cameron if the propane tanks located at the back of the existing development would have to be moved to accommodate the new development?

Mr. Cameron indicated this was correct and stated they were looking at moving the propane tanks to the other side of the property.

Ms. Lindsay asked how close the proposed development would be to the fence and property line?

Mr. Cameron stated the new building would be approximately 25 feet from the fence and line.

Councillor Younger asked what type of landscaping they are considering for this area?

Mr. Cameron indicated there are small trees planted in that location now and suggested in years to come they should provide a nice separation between the building and adjacent residence.

Ms. Lindsay asked why the chain-link fence was removed and the wooden fence erected?

Mr. Cameron indicated they did that in accordance with HRM By-Laws.

Ms. Lindsay stated when the fence was replaced the contractors made a terrible mess of her mothers property and never cleaned it up. She would like to know if someone plans to return and repair the damage done.

Mr. Cameron stated that would be possible.

Ms. Lindsay asked if it would be possible to have someone come in the springtime.

Mr. Cameron replied that should not be a problem.

Ms. Lindsay stated she also has concerns regarding garbage removal on the site and stated she would like to see it emptied more frequently. She stated she can smell the garbage when she is in her mothers back yard.

Mr. Cameron indicated ATCAN could look into relocating the garbage.

David Stevens asked if the new building would be higher than the original Canadian Tire?

Mr. Cameron described the building in its entirety and indicated it would not be any taller than the existing buildings.

David Stevens asked if additional light could be installed on the Tacoma Drive side of the property?

Mr. Cameron indicated he did not foresee a problem installing additional lighting.

Dave Wallace questioned if the Regional Plan being drafted now would have any impact on the current zoning of this property. He stated the dual zoning is quite unique and feels properties like this would be dealt with in the new Regional Plan.

Ms. Koblents replied there are approximately 20 community plans in HRM and once the Regional Plan is adopted the individual areas will be looked at in greater detail. The objective then will be to translate the framework of the Regional Plan into those community plans.

Ms. Koblents stated that there are two levels to be considered: the Policy and the Land Use By-Laws, or zoning. She stated the MPS adopted in 1978 did designate this parcel of land commercial. She suggested that is why we can entertain this application for a rezoning and explained the long term vision for this property was to be commercial use.

Councillor Younger briefly discussed the Regional Plan adoption process.

Dave Wallace wondered if the rezoning process in this case was unnecessary because the zoning for this property would eventually be changed to reflect its commercial designation anyway?

Ms. Koblents suggested this may or may not be the case and stated she is unable to confirm that.

Ms. Koblents stated residents will be notified by mail in advance of the public hearing as well as newspaper ads that run two consecutive Saturdays before the hearing will be held. She again described the procedure remaining to complete the planning process for this case.

Ms. Koblents thanked everyone for their time and closed the meeting.

3. ADJOURNMENT

Meeting adjourned at approximately 8:00 p.m.

**Attachment B
Extract from Dartmouth MPS Policy**

Policy IPI (c)

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

Attachment C
Extracts of the Dartmouth Land Use Bylaw

GENERAL PROVISIONS

- (i) *a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:*
- (1) *a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;*
 - (2) *notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.*
 - (3) *no structures, parking, storage or open display shall be permitted within the landscaped area. (HECC-July10/03, Effective-August3/03)*

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;
 - (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)*