



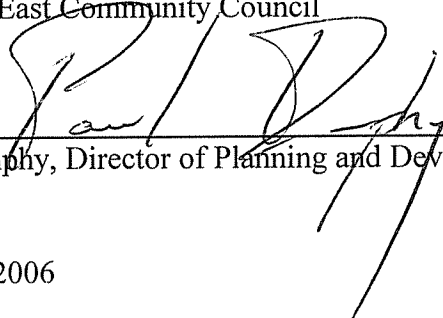
PO Box 1749
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**Harbour East Community Council
August 3, 2006**

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services

DATE: July 20, 2006

SUBJECT: Case 00903: Rezoning of a Portion of Water Commission Lands adjacent to 322 Main Street, Dartmouth

ORIGIN

Case No. 00903 - Application by Sunrose Consultants Inc to rezone a portion of the Water Commission lands lying adjacent to Dave Fruits & Vegetables at 322 Main Street in Dartmouth from C (Conservation) zone to C-1 (Local Business) zone to permit an accessory parking lot.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- 1. Give First Reading for rezoning of the subject lands and schedule a public hearing;**
- 2. Approve the rezoning of the subject lands from C (Conservation) zone to C-1 (Local Business) zone, as shown on Map 1.**

BACKGROUND:

Location, Designation and Zoning:

The subject property is approximately 14,000 square feet in area and is located on the south side of Main Street adjacent to Ben's Bakery and Dave Fruits & Vegetables store at 322 Main Street (Maps 1 and 3). The parcel is designated Conservation in the Dartmouth MPS and zoned C (Conservation) zone in the LUB (Maps 1 and 2). The vacant site is configured irregularly with a frontage of approximately 266 feet and a depth at its narrowest point of approximately 52 feet. The site is heavily treed.

Proposed Development:

The applicant is requesting an amendment the Dartmouth LUB to rezone the subject property from C (Conservation) zone to C-1 (Local Business) zone to permit an accessory parking lot for Dave's Fruits & Vegetables store. The applicant has negotiated with the Water Commission to buy these lands for this purpose.

DISCUSSION:

MPS Policy Analysis

Policy IP-1 (b) of the Dartmouth Municipal Planning Strategy provides the authority for Council to consider the rezoning of this parcel from C (Conservation) zone to C-1 (Local Business) zone as the land use proposed is a use permitted in an adjacent designation, the application of which does not violate other policies of the MPS (Attachment A).

In considering amendments to the LUB, the Dartmouth MPS sets out evaluation criteria for Council to consider (Attachment A). The more pertinent criteria set out in Policy IP-1 (c) are discussed as follows:

“(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”

The site is proposed to be utilized as an accessory parking area to handle parking overflow from Dave's Fruits & Vegetables store. The use is considered an extension of an existing situation which serves to enhance the site's function and therefore is considered compatible with the existing use.

“(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries.”

It is acknowledged that a significant amount of vegetation would have to be removed from the site to accommodate the proposal. However, the Dartmouth LUB requires that a buffer be created with the planting of trees and shrubs. Additionally, a 6 foot high opaque fence is required to be constructed immediately behind the buffer (Attachment A). The houses on Erin Drive that lie directly behind the proposed parking area are separated in grade, sitting at a higher elevation than the proposed parking area (Map 3). The required buffer, the fence and the difference in grade are considered sufficient mitigation measures to reduce impacts to these properties.

Land Use Bylaw

The Dartmouth LUB permits the use of these lands use as an accessory parking area for Dave's Fruits & Vegetables store as the location of the proposed parking lot is within 750 feet of the main building (Attachment A).

Traffic Considerations

As there has been a longstanding concern with vehicle access/egress and parking at this particular location, the municipality's Traffic Services department supports the rezoning with the intent of improving traffic safety on Main Street at this location. It is viewed that the new parking area will improve vehicular movement to, within, and out of Dave Fruits & Vegetables and Ben's Bakery.

Other Considerations

It should be noted that as no development agreement has been negotiated through this process, all of the permitted uses identified in the C-1 zone would be legal permitted uses on this site should the rezoning be approved by Council. The issuance of a development permit for any use would be subject to its ability to satisfy the other required regulations set out in the C-1 zone. This site's topography and the lack of site depth dictate that future development to an alternative use other than what is being proposed while not impossible, is somewhat unlikely.

Accordingly, the attached concept plan of the proposed parking area should be considered conceptual and *for information only* as this concept could change substantially after Council's approval of the rezoning. Since the driveway locations and configurations still must be approved by the city's Development Officer and Development Engineer in accordance with the municipality's Streets By-law, an accurate number of new additional parking spaces cannot be substantiated at this time. However, it is anticipated that the number of new parking spaces at this location would exceed thirty.

Public Meeting

A public meeting was held on May 29, 2006. In addition, an advertisement was placed in the local newspaper notifying residents of the meeting. The minutes of this meeting are included as Attachment B. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property areas in the notification area shown on Map 1 will be sent written notification.

Neighbourhood residents expressed concern regarding traffic noise, traffic congestion and a lack of privacy as a result of operations at Dave's Fruits & Vegetables. In particular owners of the houses located immediately behind the proposed new parking area at 18 Erin Drive (Map 1) expressed some concern that the removal of vegetation would increase noise impacts to their property. As stated previously, the required buffer, the fence and the difference in grade are considered sufficient mitigation measures to reduce impacts to these properties.

Conclusion

In conclusion, this proposal is consistent with Dartmouth MPS policy. Staff therefore recommends approval.

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.

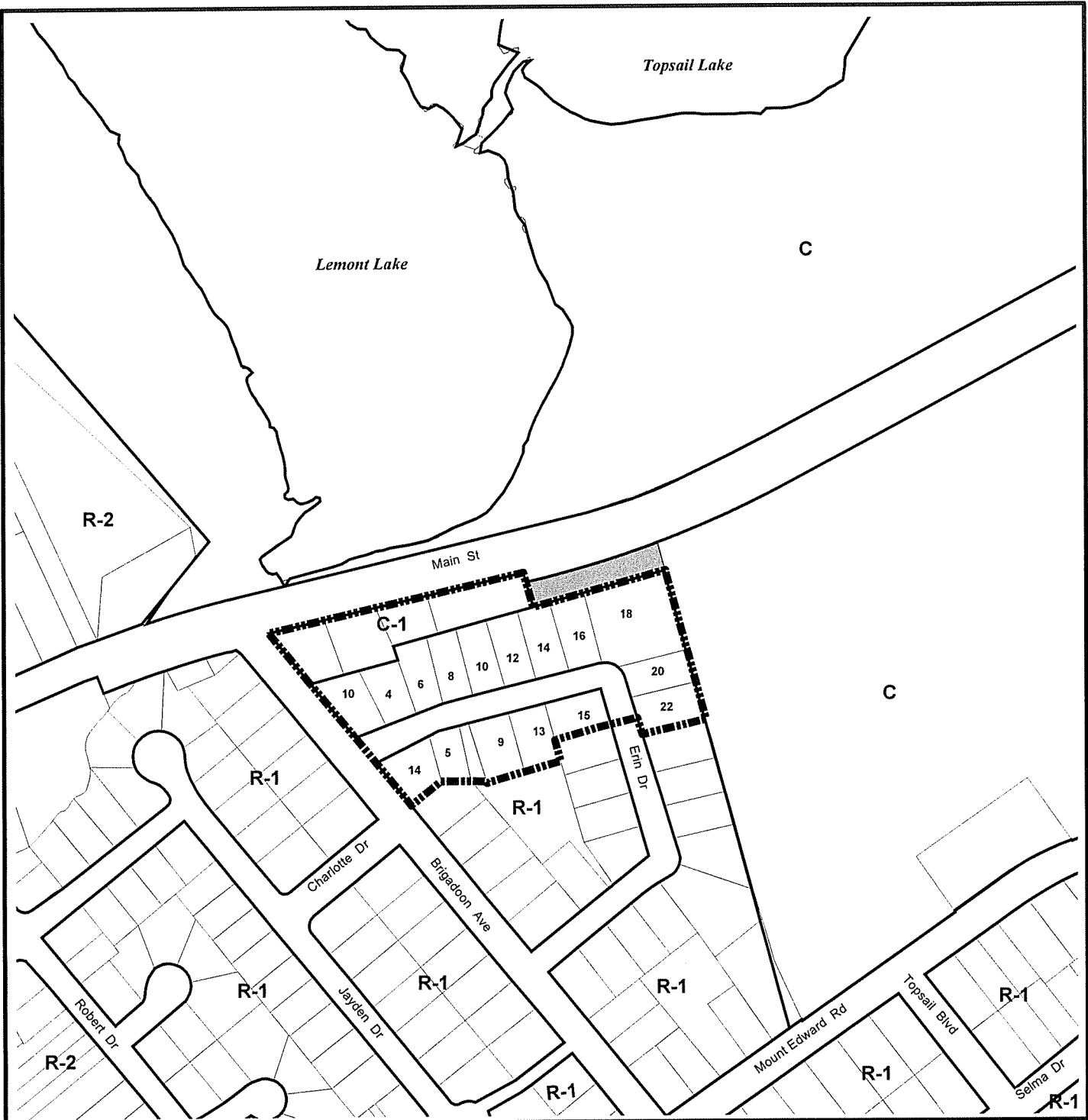
ALTERNATIVES:

1. Proceed with the requested rezoning. This is recommended for reasons described above.
2. Council may choose not to approve the proposed rezoning. This is not recommended for reasons described above.

ATTACHMENTS:

Map 1: Location, Zoning and Proposed Rezoning
Map 2: Generalized Future Land Use
Map 3: Concept Site Plan—for Information Only
Attachment A: Extracts from the Dartmouth MPS and LUB
Attachment B: Minutes from the Public Information Meeting

Further information regarding the contents of this report may be obtained by contacting Shayne Vipond, Planner at 490-4335.
For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4234 or 490-4208 (FAX).



Map 1
 Zoning & Location
 Portion Of 126 Mount Edward
 Road Fronting Main Street

ZONE

- R-1 Single Family Residential Zone
 - R-1 Two Family Residential Zone
 - C Conservation Zone
 - C-1 Local Business Zone
- Dartmouth Land Use By-law Area



Proposed rezoning from C (Conservation)
 to C-1 (Local Business)



Notification Area

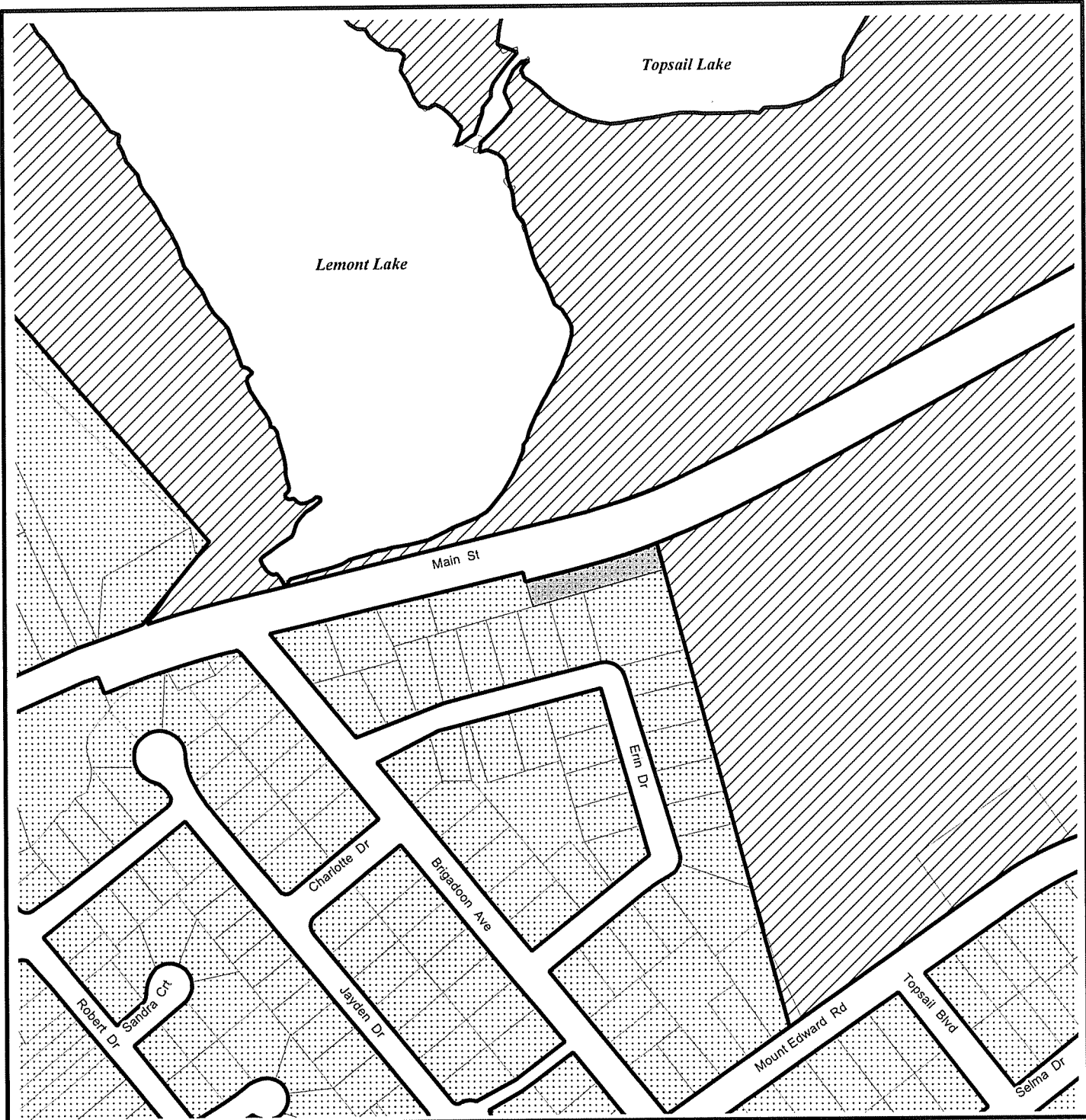


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 DEVELOPMENT SERVICES




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
Portion Of 126 Mount Edward
Road Fronting Main Street

 Proposed rezoning from C (Conservation)
to C-1 (Local Business)

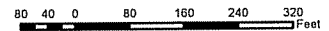
Designation

 Park

 Residential



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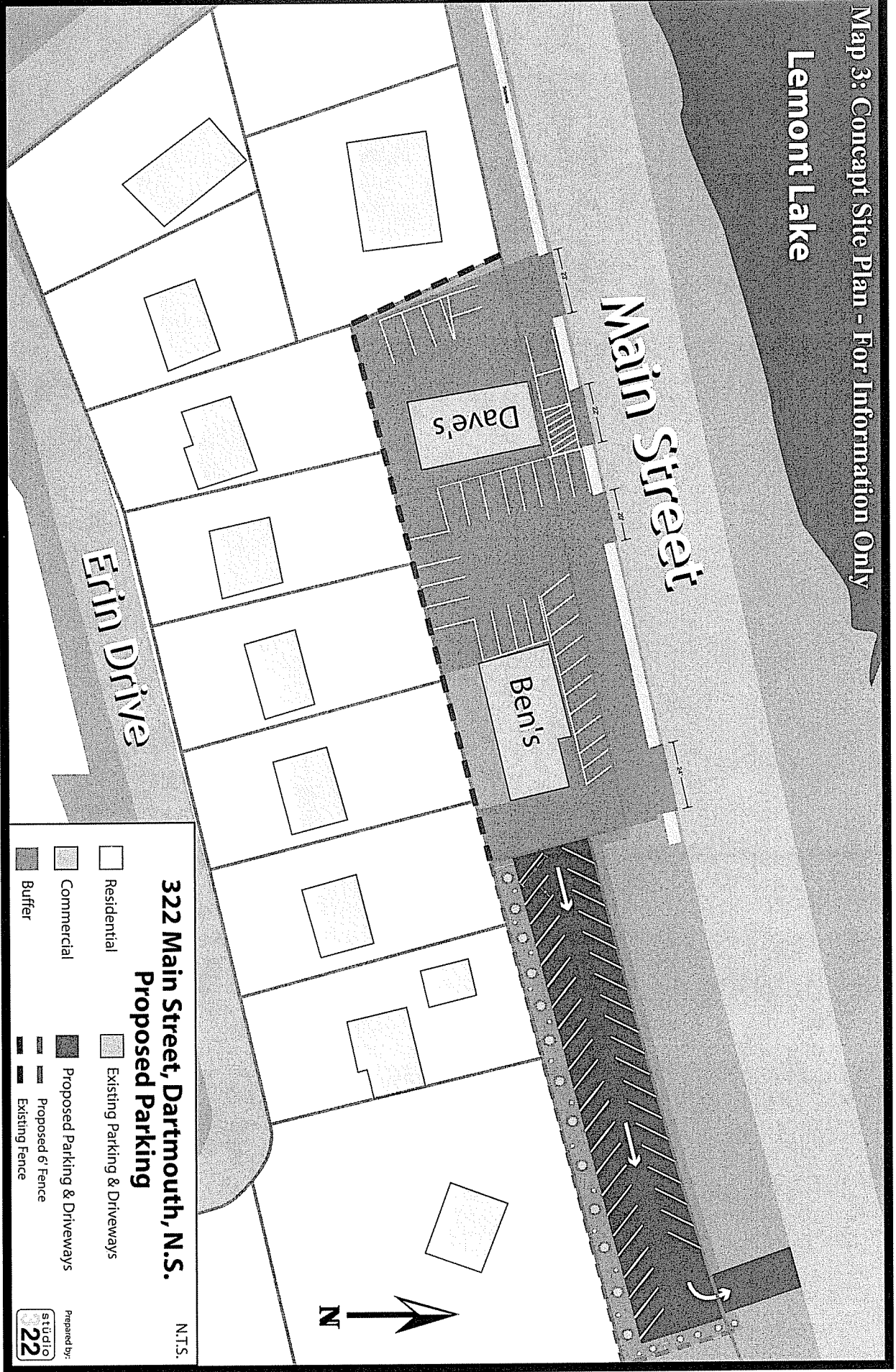


This map is an unofficial reproduction of a
portion of the Generalized Future Land Use
Map for the Dartmouth MPS area.

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

Dartmouth MPS Area

Lemont Lake



322 Main Street, Dartmouth, N.S.
Proposed Parking
N.T.S.

	Residential		Existing Parking & Driveways
	Commercial		Proposed Parking & Driveways
	Buffer		Proposed 6' Fence
			Existing Fence

Prepared by:
 studio 22

ATTACHMENT A: EXTRACTS FROM THE DARTMOUTH MPS AND LUB

DARTMOUTH MPS

IMPLEMENTATION

Policy 1P-1

- (a) The Municipal Development Plan for the City of Dartmouth is the prime policy document providing an ongoing framework by which the future growth of the City shall be encouraged, controlled, and coordinated. The policies of this plan will be implemented by a variety of means, but generally through action of City Council as provided by Provincial Legislation and the City Charter.

In addition to employing specific implementation measures, it shall be the intention of City Council to carry on an ongoing planning program through the Committee-of-the-Whole system of Council, the Planning Department, and to encourage the general public and organizations to comment on and participate in planning matters in the City. Particular attention is being given to the downtown/waterfront development, environmental matters, protection of the City's lakes, community and neighbourhood planning programs, bylaw amendments and other issues which Council deems suitable.

- (b) Generalized Land Use

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. Deleted-Reg.Council-July 11/2000, Effective-Sept 2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).

Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning Bylaw shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h, 9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983, By-law C- 493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul., 1984).

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.

(c) Zoning Bylaw

The Zoning Bylaw is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act.

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6, 1984).

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983). In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

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
- (10) 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. (Regional Council - July 2, 2002, Effective - August 17, 2002)

DARTMOUTH LUB

14. Every new building and every new extension or alteration to an existing building shall be provided with off-street automobile parking according to the following:
- (a) for single-family and two family dwellings, one parking space per unit shall be provided;
 - (b) for apartment buildings and row house projects:
 - (i) 1.25 parking spaces shall be provided for each unit;
 - (ii) parking areas located between the minimum setback and the building or within 15 feet of the street line shall be screened from the street by trees, landscape features, fences or a combination thereof;
 - (c) for auditoriums, theaters, stadiums and similar buildings, one parking space shall be provided for each eight seats;
 - (d) for business and professional offices, banks, medical clinics, governmental buildings and buildings of a similar nature, one parking space per 600 square feet of floor area shall be provided;
 - (e) for general retail, trade and service, food store service, commercial, shopping centers, etc., one parking space for 300 square feet of floor area shall be provided;
 - (f) for clubs, lounges, beverage rooms, taverns, restaurants and other eating establishments and buildings of a similar nature, one parking space per 100 square feet of floor area shall be provided;
 - (g) for motels, one parking space shall be provided for each unit and one parking space for each 100 square feet of floor area for any restaurant therein;
 - (h) for hotels, tourist homes and buildings of a similar nature, one parking space shall be provided for each of the first 20 rooms, one parking space for every 4 rooms over 20 and one parking space for each 100 square feet of floor area for any restaurant therein;
 - (i) industrial warehousing and manufacturing shall provide one parking space for 2,000 square feet of floor area, and also if a warehouse or manufacturing plant contains office space, parking for office space area shall be provided at the rate of one parking space per 200 square feet of floor area;

- (j) for purpose of this section, if equivalent off-street parking is available on a permanent basis within 750 feet of the building, then parking requirements shall be deemed to be complied with;
 - (k) for lodging houses, parking spaces shall be provided on the premises in compliance with Section 29D of this By-law. (As amended by By-law C-418, Nov26/80)
 - (l) for senior citizens apartment buildings and row house projects, one parking space for each three dwelling units. (As amended by By-law C-455, Apr 24/82)
 - (m) for self storage buildings the required parking spaces shall be calculated as follows:
 - (i) A minimum of one (1) parking space per external storage unit shall be provided. The parking space shall be located in front of the loading door for the unit it is intended to access. The parking space shall not be encumbered in any way and shall not be used for the purpose of sale or display.
 - (ii) A minimum of one (1) parking space per ten (10) internal storage units shall be provided; and
 - (iii) A minimum of one (1) parking space per 200 square feet of office or retail floor area shall be provided. (HECC-July10/03,Effective-August3/03)
15. Except for developments containing less than three dwelling units the off-street parking shall be provided according to the following minimum standards:
- (a) All parking areas including individual parking spaces, visitors and service spaces, shall be clearly marked;
 - (b) individual parking spaces shall be 8 feet by 20 feet except in the case of curb parking parallel to a driveway, in which case the length of the parking stall shall be increased to 22 feet. Notwithstanding the foregoing, up to one third of the individual parking spaces may be reduced in size to 7 feet by 16 feet minimum except in the case of curb parking in which case the length of the stall shall be increased to 18 feet. All parking areas, including driveways and maneuvering areas, shall be hard surfaced. (As amended by By-law C-460, June3/82)
 - (c) all parking areas must make provision for access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;
 - (d) driveways, entrances and exit locations shall be clearly shown and subject to the approval of the Traffic Authority and the Director of Planning;

- (e) curbs or other appropriate methods of delineating shall be provided to ensure safety between varying vehicular movements and vehicular and pedestrian movements;
- (f) no parking spaces shall be immediately adjacent to doors or passageways from buildings;
- (g) all parking areas shall be so arranged as to cause the least amount of interference with through traffic and all maneuvering areas must occur within the lot areas to permit vehicles to leave the property in a forward motion;
- (h) all parking layouts shall make provision for the stockpiling of snow in a manner which will not reduce the amount of required parking space available;
- (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)
- (j) where windows exist on ground floor, no parking shall be located within twenty feet of such windows, except for industrial and commercial uses. (Regional Council-October 2, 2001, Effective-October 31, 2001)
- (k) not more than one commercial vehicle shall be kept on any lot in any residential zone and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line. (Harbour East Community Council-October 4, 2001, Effective-October 21, 2001)
- 12. in any commercial zone (Regional Council-October 2, 2001, Effective-October 31, 2001) where a new or expanded commercial building, parking lot or display area is

located on a lot which abuts a street(s), a landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting the street(s) shall be provided. This may be reduced to five (5) feet in depth where the greater requirement would be prohibitive in terms of providing required parking or driving aisles. Landscaping shall consist of grass and shall include one ornamental shrub for every one hundred (100) square feet of required landscaped area, and one double-staked nursery stock tree with minimum 50mm base caliper for every fifty (50) feet of lot frontage. All landscaping shall be maintained and kept free of litter, and deceased plants shall be replaced to maintain these standards (Harbour East Community Council-July6/2000, Effective-July 30/2000)

- (m) Notwithstanding Section 15 (l), where an existing building location or topographic constraints such as, but not limited to: steep slopes; natural terrain consisting of large rock deposits; steep grade or other constraints determined by the Development Officer to prevent the developer from satisfying the requirements of Section 15 (l), A lesser degree of landscaping may be provided in the form of one of the following:
 - (1) a landscaped area of at least 4.6 square metres (50 square feet) in area having no dimension less than 0.6 metres (2 feet); or
 - (2) landscape planter(s) constructed of natural material such as but not limited to wood, brick, stone or concrete, and having a total minimum of 2.3 square metres (25 square feet).

- (n) The landscaping features identified in Section 15(m) may be located within any or all of the following locations:
 - (1) along or in close proximity to the front property line;
 - (2) along or in close proximity to the side property line; or
 - (3) along the front facade of the main building.

- (o) Any landscaping required under subsections (m) and (n) of this Section shall be clearly visible from the abutting street. (HECC-July10/03, Effective-August3/03)

C-1 ZONE - LOCAL BUSINESS ZONE

- 38. (1) The following uses only shall be permitted in C-1 Zone:
 - (a) R-1, R-2, and TH uses are herein set out;
 - (b) food and grocery stores,
 - (c) local offices including offices of professional people providing personal services,

- (d) public offices,
 - (e) personal service shops, (As amended by By-law C-464, Sept26/82)
 - (f) restaurants,
 - (g) uses accessory to any of the foregoing uses.
- (2) Buildings used for R-1, R-2 and TH uses in a C-1 Zone shall comply with the requirements of an R-1, R-2, TH Zone respectively.
- (3) Buildings used for C-1 uses in a C-1 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 sq. ft.
 - (b) Height maximum - 2 storeys
 - (c) Lot coverage maximum - 50%
 - (d) Floor area maximum for local offices 5,000 square feet or 25% of the total building area, the larger prevailing.
 - (e) Side and rear yards shall be provided on each side and at the rear of buildings as specified in the Building By-laws of the City.

C ZONE - CONSERVATION ZONE

46. (1) The following uses only shall be permitted in a C-Zone:
- (a) conservation related projects;
 - (b) watersheds;
 - (c) cemeteries;
 - (d) passive recreational activities;
 - (e) facilities for storage, transmission, treatment, distribution or supply of water; and (As amended by By-law C-711, Sept 27/94)
 - (f) uses accessory to any of the foregoing uses.

- (2) Notwithstanding the provisions of subsection (1), communications facilities are permitted on the land identified by Schedule "J". (As amended by By-law C-710, Dec 9/94)

- (3) No Buildings or structures shall exceed 35 feet in height on those 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: MINUTES OF PUBLIC INFORMATION MEETING

HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - ALDERNEY GATE OFFICE
PUBLIC INFORMATION MEETING
CASE 00903 - DAVE FRUITS AND VEGETABLES, MAIN STREET, DARTMOUTH

7:00 p.m.

May 29, 2006

Prince Andrew High School, Dartmouth

STAFF: Shayne Vipond, Planner

APPLICANT: Dave Howe, Owner Dave's Fruits and Vegetables
Mark Howe, Dave's Fruits and Vegetables
Jennifer Tsang, Planning Consultant

OTHER: Local Councillor, Bill Karsten

MEMBERS OF
THE PUBLIC: Approximately 14 people

Meeting commenced at approximately 7:00 p.m.

INTRODUCTIONS/OPENING COMMENTS

Shayne Vipond welcomed residents to the meeting and thanked them for attending. He introduced, Bill Karsten, local Councillor and Jennifer Tsang, the consultant representing Dave's Fruit and Vegetables. He then introduced himself as the planner assigned to this application.

Mr. Vipond explained the application submitted by Dave's Fruits and Vegetables to rezone a small portion of the Water Commissions land from C (Conservation) zone to C-1 (Local Business) zone is to permit the expansion of their current parking facilities. He noted Council has the option to consider this application under the current policy of Municipal Planning Strategy (MPS) for the Dartmouth plan area. He then described the criteria in which the application will be evaluated and briefly outlined the planning process.

Mr. Vipond then explained the public information meeting (PIM) 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.

Mr. Vipond suggested residents keep in mind while listening to the application that if the application is approved this will allow the land to be used for any of the permitted uses under the C-1 zone in the future. He also noted there are constraints that would limit the uses, for example a shopping

centre could not be accommodated on the land due to the size and configuration. He then asked Ms. Tsang to come forward and give her presentation on behalf of the applicant.

Ms. Tsang gave a full site description with use of overhead and outlined the conceptual design. She described the dimensions of the property and spoke to the existing parking and traffic congestion of the lot presently. She described proposed landscaping aspects of the lot including buffering plans.

QUESTIONS AND COMMENTS

Charles and Amy Cornish commented their property is located behind the existing parking area and they frequently watch patrons bump into the fence, erected as a buffer, when parking. They asked Ms. Tsang for a more detailed description of the fence they are proposing.

Ms. Tsang stated she believes the Land Use By-Law for Dartmouth requires a six foot fence be constructed with solid boards to close off any view into the neighboring property.

Charles Cornish asked if there will be sound proofing as well.

Ms. Tsang noted landscaping vegetation will provide natural sound buffering.

Paul Arnold asked if the fence will be erected right on the property line.

Ms. Tsang replied with consent of the adjacent property owners the fence can be erected right on the property line.

Paul Arnold asked what the actual off-set of the fence to the property line will be if the abutting property owner does not allow the fence to be erected right on the property line.

Mr. Vipond indicated he could not answer that at this time and would find the answer to that question. He suggested residents keep in mind if the application is approved the proposed parking area will be constructed as of right, not under a development agreement process, which would allow for more stringent specifications.

Lawrence Cullen asked if the intention of this additional parking is to alleviate existing traffic issues.

Mr. Vipond replied the intention of the application is to handle overflow parking from the applicants perspective.

Lawrence Cullen asked why the residents notice stated "lands adjacent to 322 Main Street".

Mr. Vipond stated the lands that are subject to the proposal do not have a municipal address so the only way to describe them is to state they are located next to 322 Main Street. If the property were not vacant the municipal address would have been noted.

Lawrence Cullen asked why there is a sign on the property in question and who Sunrose Consultants are.

Ms. Tsang replied she is a private consultant hired by the applicant to represent this application and Sunrose is the name of her company. She explained the sign was erected because HRM requires them to do so.

Lawrence Cullen questioned why the consultant is not preparing a traffic study for this application.

Ms. Tsang suggested traffic studies are not normally completed for an application of this size and nature.

Lawrence Cullen feels any changes to the area that may effect the existing traffic problems, needs to be considered.

Ms. Tsang indicated the application process requires this application be circulated to traffic services for comment. She noted Mr. Vipond will receive written comment from them. She indicated to residents they are fully aware of the existing problem and in their opinion this will relieve some of the congestion.

Residents suggested she does not know that for sure and they do not want to find out when it's too late.

Lawrence Cullen asked if the applicant owns the land in question to be rezoned at this time.

Ms. Tsang suggested if the application is approved the land will be purchased for this specific use.

Lawrence Cullen asked if the applicant then chooses to relocate their vegetable stand somewhere else, can any commercial use move in.

Ms. Tsang noted that Mr. Vipond explained that previously. She explained again that if the new zoning were applied to this property any of the uses listed in the C-1 zone could be permitted in the future. She reiterated that there are constraints that would limit the use due to the size and configuration of the land.

Lawrence Cullen asked who issues permits for temporary businesses.

Ms. Tsang replied HRM issues permits for temporary structures and the Land Use By-Law and Building By-Law regulate these structures.

Mr. Vipond noted HRM's Development Officers are responsible for issuing these permits. He suggested specific requirements regarding temporary structures should be addressed to them. He informed residents if they were interested in contact information, he can provide them with that at the end of the meeting.

Lawrence Cullen asked that Mr. Vipond circulate the temporary structure requirements to all the residents within the notification boundary.

Mr. Vipond suggested he could address the temporary structure issue in the staff report he will bring forward to Council. He suggested anyone interested in receiving a copy of the staff report can also let him know at the end of tonight's meeting.

Myrvin McLeod asked what HRM's master plan was for Topsail Lake and Lemont Lake.

Mr. Vipond replied he did not know the answer to that and suggested that was not really the focus of this evening's meeting.

Myrvin McLeod suggested it should be part of the focus if they are giving away a piece of the conservation land.

Mr. Vipond replied HRM is not giving away the land. He stated the Water Commission will be responsible to deem the land surplus, before it is sold.

Councillor Karsten indicated there will be more public consultation before any decisions are made. He also stated that residents who wish to speak to this issue will have an opportunity to do so formally at the public hearing.

Myrvin McLeod suggested traffic is an issue in the area and he would like to see consideration given to installing traffic lights. He feels if the parking area is allowed to expand it will only worsen the present traffic problems.

Mr. Vipond explained the application has been circulated to the Traffic Authority for comment.

Myrvin McLeod asked if environmental engineering is included in the circulation of the application. He feels it is necessary due to the amount of runoff that travels down the hill onto the property.

Mr. Vipond indicated engineering will evaluate the existing drainage system to ensure the extra water flow will be considered.

Residents asked Mr. Vipond if any of the conservation land will be sold off.

Mr. Vipond replied he could not answer that and reminded residents the meeting is not to discuss the future plans of the larger conservation land.

Paul Arnold noted he is adjacent to the fruit stand and does not have any issue with this application although he would like to see traffic reviewed in the immediate area for residents and patrons safety.

Ms. Conrad local residents also has major traffic concerns, she feels allowing the parking area to expand will only increase the amount of congestion in the parking lot, which will only increase the

cars pulling in and out of traffic making it more likely to increase the amount of accidents in that location. She feels before this application moves forward this need to be reviewed.

Ms. Tsang suggested the fruit stand generates a certain amount of traffic on a daily basis, the application is intended to make their customers stop more convenient and safer.

Residents suggested it makes it safer for the customers while they're in the lot but coming in and pulling out is just as dangerous.

Ms. Tsang noted the traffic authority may choose to comment on making changes to the strip of road to make this a safer environment.

Residents briefly discusses existing speed signs, number of lanes and lack of traffic lights.

Mr. Vipond stated he understands from residents tonight that the primary concern for residents is safety in this area due to the traffic problems. The second issue he understood to be the noise level created from the fruit stand.

Residents indicated that was correct. They would like to see the traffic safety issue dealt with and appropriate buffering from the additional parking and fruit stand erected.

Mr. Vipond suggested he understands there are impacts to the local residents that need to be taken into consideration with this application.

Robert Sawler is concerned with traffic flow directions of the parking lot. He feels the bakery located between the two parking areas will only cause more confusion and stated when Ben's receives a delivery the trucks will block the new parking area.

Residents had a brief discussion about current delivery times not causing a problem and the size of the vehicles being smaller, doing the deliveries.

Ms. Tsang spoke to the width of the property and right of way. She suggested there should be enough room even when deliveries are being received.

Mr. Vipond explained the configuration of the existing lot may have to be examined to allow for the amount of passable room needed to access the proposed lot.

Ms. Tsang noted their surveyor has looked at the lot extensively and is confident the room is available.

Paul Arnold asked if there will be a temporary extension granted to the produce stand. He indicated he has heard this was going to happen in the near future. He also asked who the property owners were of the bakery, the fruit stand and the proposed lot. He is concerned there could be future consolidation of lands for a larger scale development.

Norma Brewer asked if the fruit stand had any future plans of purchasing the Ben's outlet.

Mr. Vipond suggested Ms. Brewer ask the applicant and whether they choose to respond is totally up to them.

Dave Howe responded there may be a possibility in the future.

Residents briefly discussed Mr. Howe response and indicated they have concerns of this application misleading them into an undesirable commercial use ending up in their back yard's in the future, that they will have no say over because it will be permitted under the C-1 zoning. Residents are also concerned additional conservation land will be purchased to increase the size of the parcel.

Ms. Tsang suggested that is not the intention of the application.

Mr. Vipond stated if there is a master plan for future development he can guarantee there will be extensive community consultation prior to changes.

Mr. Is concerned property values will decrease with a parking lot located directly behind them.

Ms. Tsang responded that property values are not determined in that way. She suggested with a range of market forces there is no way to link zoning to property values.

Councillor Karsten thanked residents for attending this evening and voicing their concerns. He indicated there have been recent talks regarding the future plans for this property and he has suggested to city officials this conservation land would be a great location for a park.

Mr. Vipond asked if there were any further questions and stated all issues raised this evening will be considered before any decisions are made. He also stated residents who wish to speak to this application will have an opportunity to do so formally at the public hearing. He added residents will be notified by mail in advance of the public hearing as well as by newspaper ads that run two consecutive Saturdays before the hearing will be held.

Mr. Vipond thanked everyone for their time and closed the meeting.

MEETING ADJOURNMENT

Meeting adjourned at approximately 8:00 p.m.