

Item 10.1.1

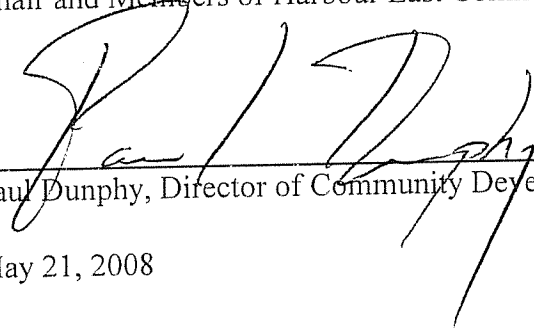


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
July 3, 2008

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: May 21, 2008

SUBJECT: **Case 01128: Non-substantive Amendment - 51 Oceanview School Road, Eastern Passage**

ORIGIN

Application by MJS Holdings Limited for a non-substantive amendment to an existing development agreement adjacent to 51 Oceanview School Road, Eastern Passage, to permit an addition to an existing automotive lift business on the property.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- (a) Approve the requested non-substantive amendment, as shown in Attachments A and B, to enable a 2,800 sq. ft. addition to the existing automotive lift business.

BACKGROUND

MJS Holdings Limited, has requested a non-substantive amendment to their existing amended development agreement registered on the property to enable a 2,800 square foot addition to an existing building (Attachments A and B). The development agreement enables the request by resolution of Council. Staff have prepared this report to ensure compliance with the development agreement and to provide a recommendation for Council.

Location, Zoning and Designation

The lands are identified as Lot 7A, Oceanview School Road and consist of 65,340 sq. ft. The property is situated between Eastern Passage Fire Station and Oceanview School. This subject site and surrounding area is located within the Community Facility Designation and Zone of the Eastern Passage Plan area (Maps 1 and 2).

The property has been used for a variety of industrial uses over the past several years and is comprised of two single-storey buildings and associated parking and materials storage yard. MJS Holdings is interested in building a 2,800 sq. ft. addition to the existing 2,000 sq. ft. building (Map 2). The property is enclosed by a chainlink security fence. A sidewalk connecting Oceanview School to Caldwell Road is located along the frontage of the site.

Development Agreement (Attachment C)

On May 9, 1989 Council entered into an agreement with Atlantic Industries Limited to allow for an expansion of the existing industrial use on the property by additions to the two existing buildings on the site. The agreement provided for:

- an addition to the main building resulting in a total gross floor area (GFA) of 5,800 sq. ft.;
- 960 sq. ft. of additional office space above the ground floor of the main building; and
- expansion of the accessory warehouse building up to 1,400 sq. ft. (GFA) for the purpose of relocating an employee lunchroom.

Amending Development Agreement (Attachment D)

On December 19, 1994 Council amended the development agreement to allow for:

- change of land use (weigh scales manufacture and repair);
- substantive amendment clause added; and
- identification of non-substantive matters including:
 - (a) change to any service industry or manufacturing operation;
 - (b) 3,000 sq. ft. addition to an existing building or new accessory building; and
 - (c) changes to requirements for parking, driveway areas, outdoor display or signage.

The amending agreement further specifies that the non-substantive matters may be approved by resolution of Council. Further, notification of the Council meeting is to be provided to property

owners within 500 ft. of the site. Accordingly, staff have sent the required notifications indicating the request will be considered by Harbour East Community Council at the June 5, 2008 Council meeting.

DISCUSSION

The existing development agreement, including amendments thereto, envision the potential of Council approving up to a 3,000 sq. ft. addition on the site. MJS Holdings Ltd. is proposing only a 2,800 sq. ft. addition as shown on Map 2. Due to the size, location and nature of the business, staff do not anticipate the proposed addition will negatively impact abutting uses.

The approval of the non-substantive amendment will be done by resolution of Council, not a public hearing and subject to a 500 ft. notification area. If Council approves the proposed non-substantive amendment, the decision can be appealed to the Nova Scotia Utility and Review Board.

Conclusion

Staff recommend the proposed request for a 2,800 sq. ft. addition to an existing building be approved by resolution of Council. Staff are satisfied the proposed development is in compliance with the existing development agreement.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of the Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

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 non-substantive amendment to the development agreement. This is the recommended course of action.
2. Council may choose to refuse the non-substantive amendment to the development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This is not the recommended action.

ATTACHMENTS

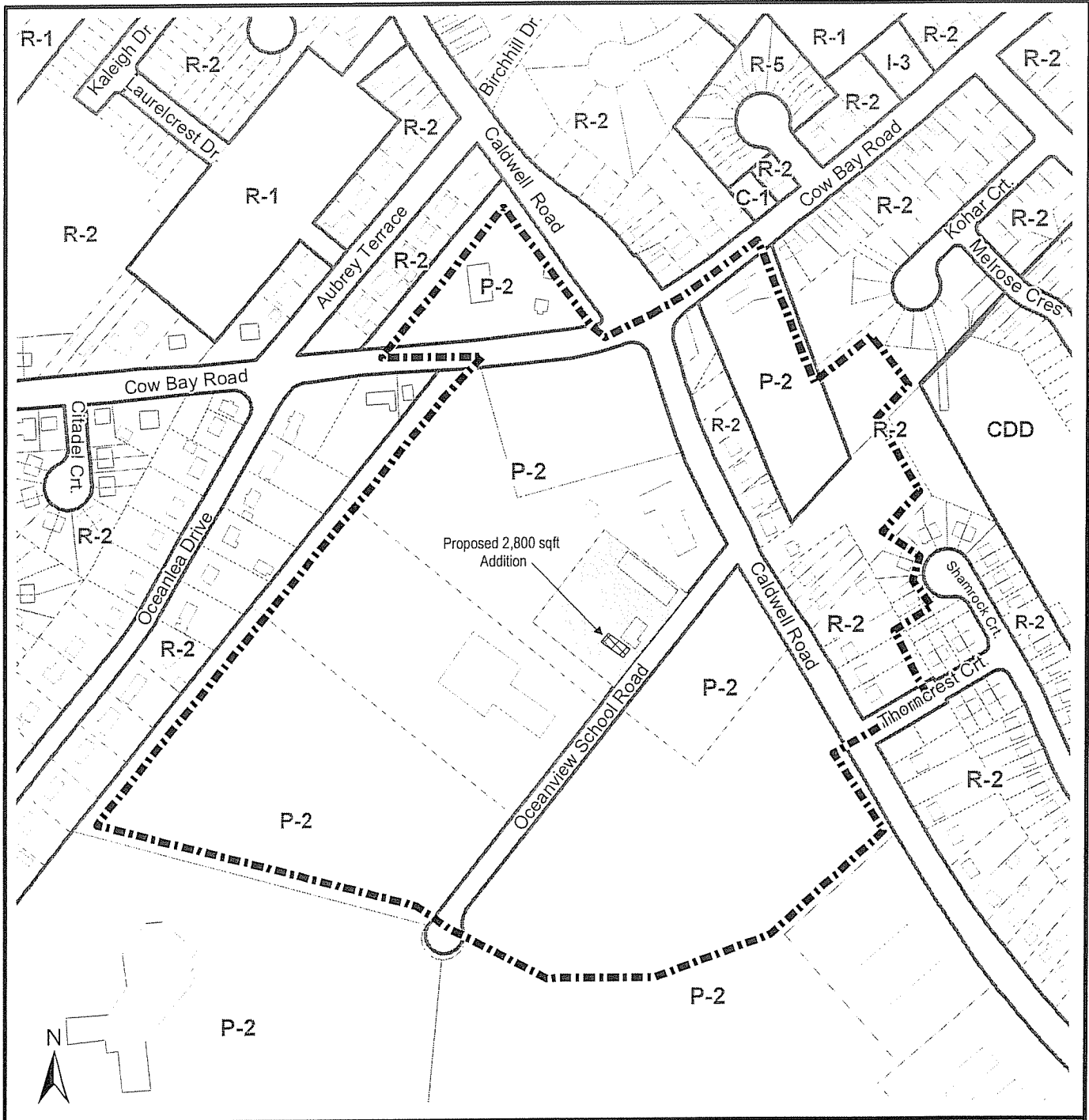
Map 1	Zoning and Location
Map 2	Generalized Future Land Use
Attachment A	Proposed Site Plan
Attachment B	Proposed Elevations and Floorplan
Attachment C	Excerpts from Original Development Agreement
Attachment D	Excerpts from Amended Development Agreement

A copy of this report can be obtained online at http://www.halifax.ca/comm_coun/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 : David Lane, Senior Planner, 490-5719





Report Approved by: Kurt Pyle, Acting Manager, Planning Services, 490-7066



Map 1 Location and Zoning

Oceanview School Road
Eastern Passage

-  Subject Property
-  500 ft Notification Boundary

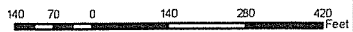
Eastern Passage/Cow Bay Plan Area

Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-5 Rowhouse Dwelling
- C-1 Local Business
- I-3 Local Service
- P-2 Community Facility

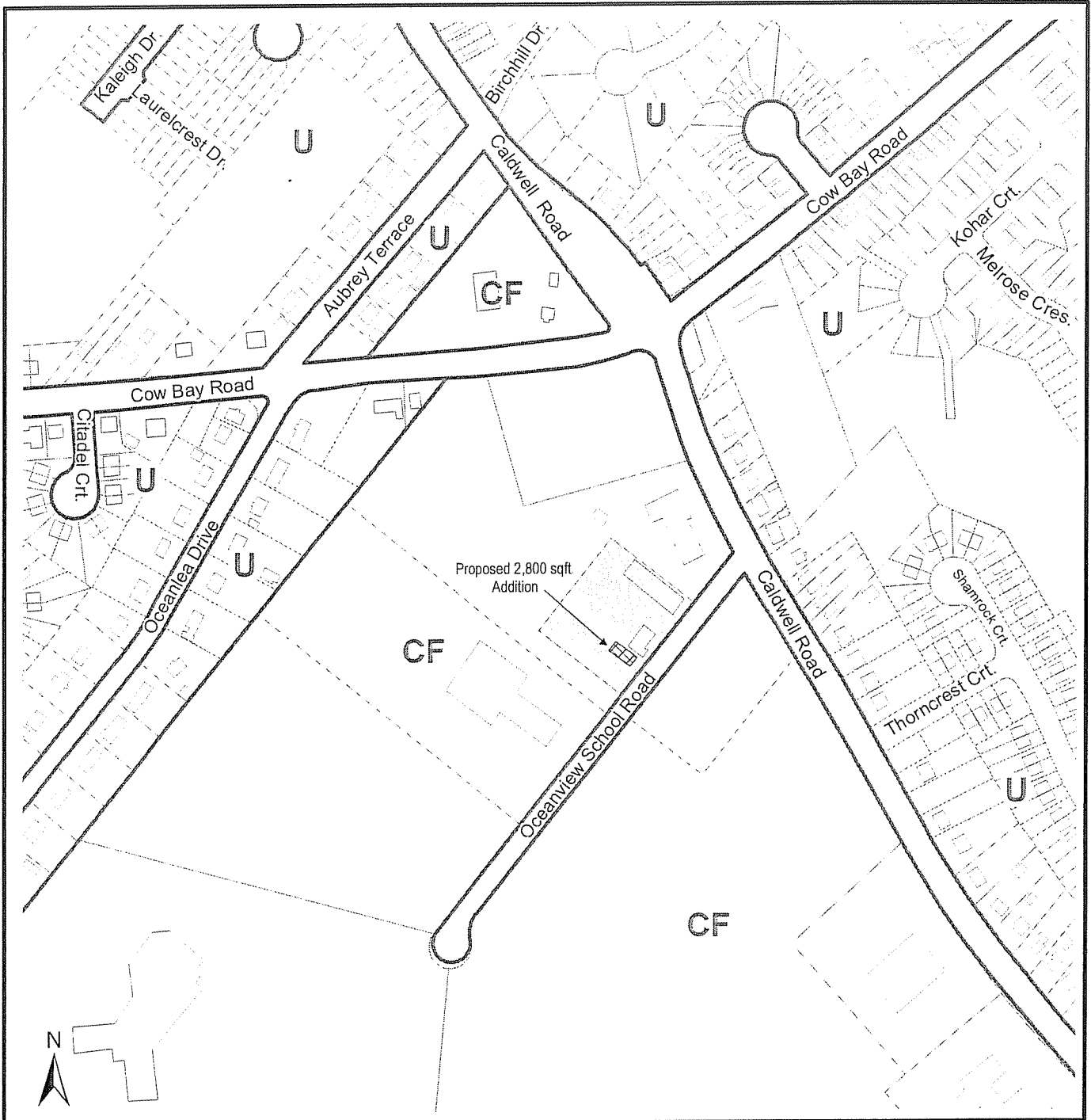


COMMUNITY DEVELOPMENT
PLANNING SERVICES




This map is an unofficial reproduction of a portion of the Zoning Map for the Eastern Passage/Cow Bay Land Use By-law area.

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



Map 2 Generalized Future Land Use

Oceanview School Road
Eastern Passage

 Subject Property

Designation

CF Community Facility
U Urban

Eastern Passage/Cow Bay Plan Area

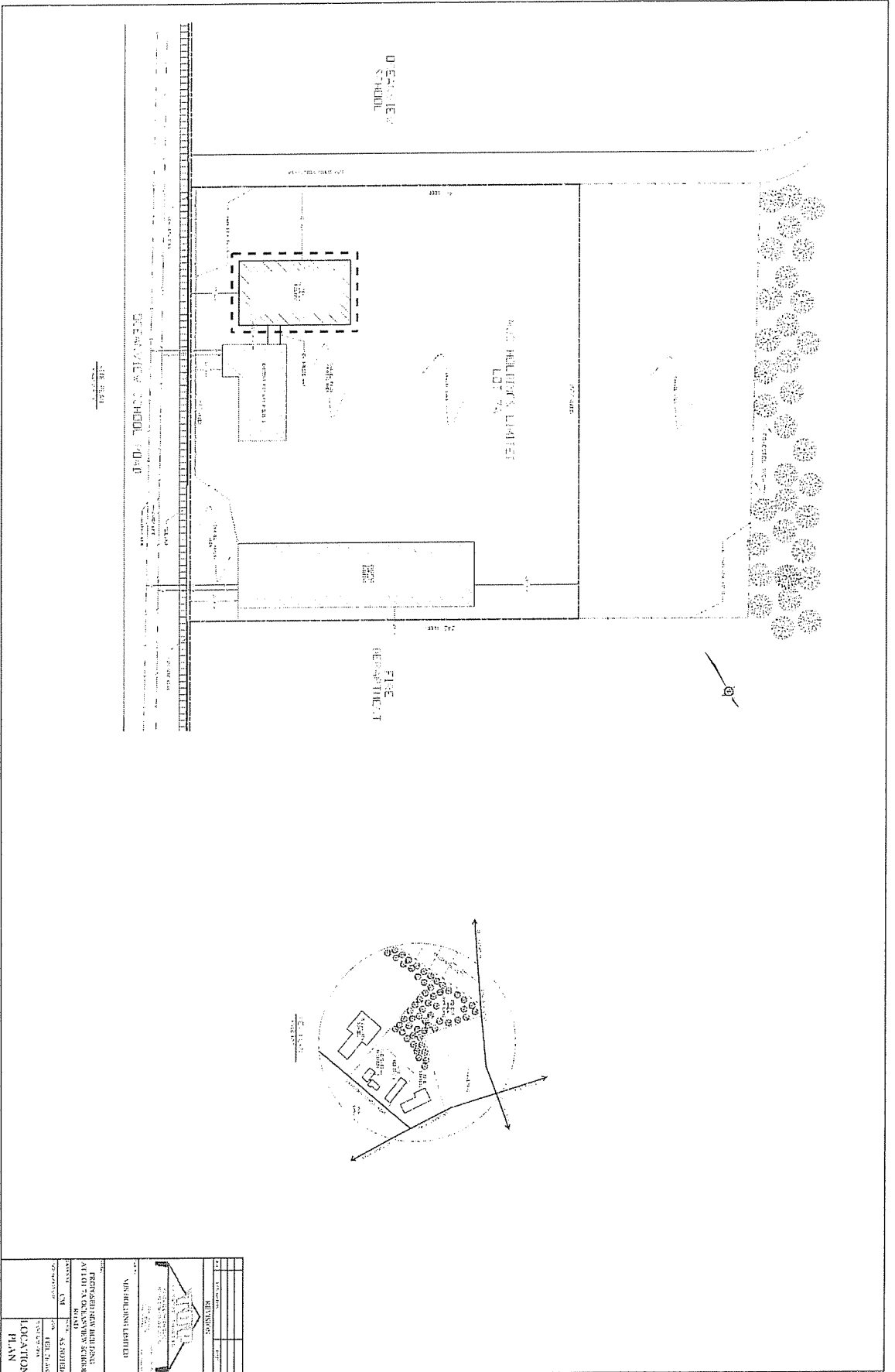
HALIFAX
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT
PLANNING SERVICES

75 37.5 0 75 150 225
Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Generalized Future Land Use Map for Eastern Passage/Cow Bay Plan area.

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



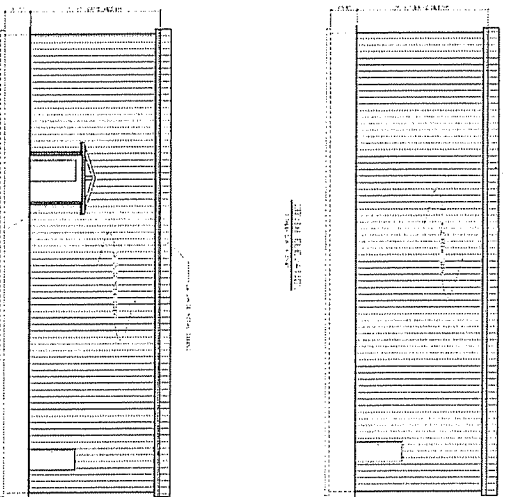
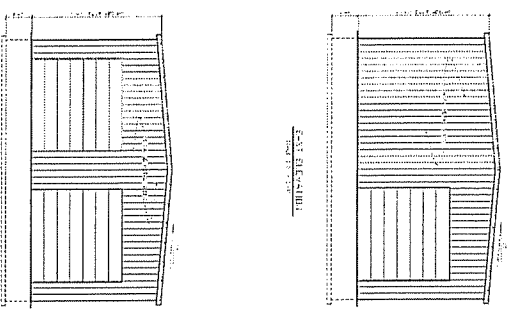
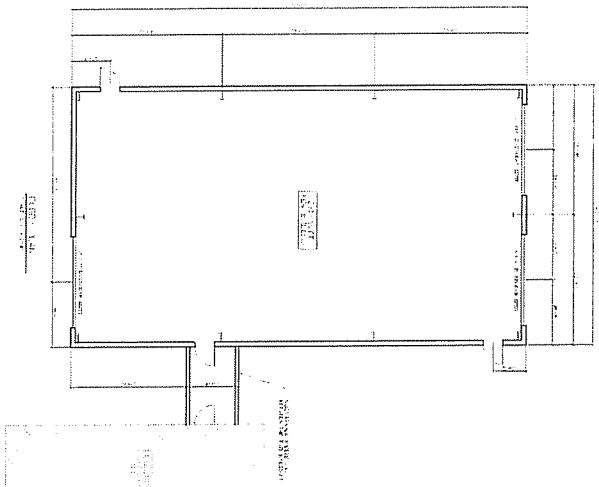
**Attachment A:
Site Plan**



Proposed 2,800 sqft Addition

NO.	REVISIONS	DATE

MUNICIPALITY OF NORTH YORK	
NORTH YORK LIBRARY	
1000 SHEPPARD AVENUE EAST, SUITE 100, NORTH YORK, ONTARIO M2N 5S3	
TEL: (416) 497-3131	
FAX: (416) 497-3132	
WWW.NORTH-YORK.CA	
PROJECT NO.	100-2010-0001
CLIENT	THE UNIVERSITY OF TORONTO
DATE	NOV 10 2010
SCALE	AS SHOWN
DESIGNER	ARCHITECTURAL DESIGN GROUP
LOCATION	1000 SHEPPARD AVENUE EAST, SUITE 100, NORTH YORK, ONTARIO M2N 5S3



DEPARTMENT OF PLANNING AND DEVELOPMENT	
100 N. GUYANA STREET, SUITE 200, PHOENIX, AZ 85001	
(602) 506-3100	
WWW.PD.AZ.GOV	
PROJECT: 100 N. GUYANA STREET, SUITE 200	
SHEET: 100 N. GUYANA STREET, SUITE 200	
DATE: 10/15/2010	
DRAWN BY: J. L. BROWN	
CHECKED BY: J. L. BROWN	
APPROVED BY: J. L. BROWN	
TITLE: ARCHITECT	
FIRM: J. L. BROWN ARCHITECTS	
PROJECT NO.: 100 N. GUYANA STREET, SUITE 200	
SHEET NO.: 100 N. GUYANA STREET, SUITE 200	
SCALE: AS SHOWN	
A1	

Attachment B:
Elevations and Floor Plan

Attachment C
Excerpts from Original Development Agreement

2. PERMITTED USES

The use of the Property and the Building is restricted to the manufacturing, sales and storage of pipe products, along with any office use related thereto.

4. MAXIMUM HEIGHT OF BUILDING

The maximum height of the Building shall not exceed 21 feet (6.4 metres).

5. MAXIMUM FLOOR AREA OF BUILDING

- (a) Unless otherwise provided for herein, the gross floor area of the Building shall not exceed 5,800 square feet (539 m²).
- (b) Notwithstanding clause 5(a), a development permit may be issued for additional office space above the ground floor of the Building addition, up to a maximum of 960 square feet (89 m²), provided that the parking requirements of the Zoning By-law for Eastern Passage/Cow Bay are met.

6. MAXIMUM FLOOR AREA OF ACCESSORY BUILDING

A development permit may be issued for the expansion of the existing warehouse building, for the purposes of relocating an existing employee lunchroom provided that the gross floor area of the warehouse shall not exceed 1,400 square feet (130 m²).

8. PARKING AND DRIVEWAY AREAS

- (a) It is agreed that all parking, loading and driveway areas on the Property shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- (b) All parking spaces as identified by Schedule "B" of this Agreement shall be individually identified by an assigned number or otherwise demarcated, and maintained in a clear and usable condition during normal business hours.

9. FENCING REQUIREMENT

The Developer shall maintain in good repair the existing perimeter fence which defines the limits of the Property.

10. OUTDOOR STORAGE AND DISPLAY

No outdoor storage or display of any materials, products or machinery shall be permitted within the parking of driveway areas as illustrated by Schedule "B", and any materials or products which are stored above the height of the fence elsewhere on the Property shall be kept in a neat and tidy appearance and stored in a manner so as not to create a hazard or endanger the users of the abutting streets and properties.

11. ILLUMINATION

Lights used for the illumination of the Property shall be located and arranged so as to divert light away from adjacent properties.

Attachment D
Excerpts from Amended Development Agreement

4. The Developer and the Municipality agree to further amend the Development Agreement by adding the following paragraphs as Sections 19 and 20.
- “19. The provisions of the Agreement relating to the following matters are identified and shall be deemed to be not substantial and may, subject to Section 20, be amended by resolution of the Council of the Municipality:
- (a) a change of permitted uses for the Property to any service industry or manufacturing operation which, in the opinion of Council, is considered similar in nature to the use permitted under this Agreement;
 - (b) the amendment of this Agreement to permit an addition to an existing building, or a new accessory building, which does not exceed three thousand (3,000) square feet of floor area.
20. Prior to passing any resolution under the provisions of Section 19, Council shall send a notice in writing (by ordinary mail posted at least ten (10) days prior to the meeting of Council to consider the resolution) to the owners, according to the assessment records maintained by the Nova Scotia Land Registration and Information Service, notifying such owners that they shall be permitted to present written or oral submissions to Council at the meeting to consider the resolutions to amend this Agreement under Section 19.”

Council Report Sign-Off Sheet

Subject: Case 01128 Ocean View School Rd.- Development Agreement Amendment

Meeting Date: June 5, 2008 Regular Council In Camera Information Report
 Community Council Board/Committee

Prepared by: David Lane, Community Development

Date: May 22, 2008

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager	P.D.	29-MAY-08		P.D.
	Fire				
	HR				
	IAM				
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
	Halifax Water				
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				
	Stakeholder - External				

Revised: March 2008

From: Pauline Drover
To: FinTrack (Finance Report Tracking)
Date: Tue, May 27, 2008 11:23 am
Subject: Re: Fwd: June 5th HECC - Case 01128 - 51 Oceanview School Road NBI

Good morning,

NBI

Regards,

Pauline Drover, B. Comm, CA
Financial Consultant
Budget & Financial Analysis
Halifax Regional Municipality
Duke Tower, 3rd floor

Phone: 490-6751
Fax: 490-5622
Email: droverp@halifax.ca

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>>> FinTrack (Finance Report Tracking) 5/26/2008 3:11 PM >>>
Please review the attached NBI report.

Thank you,

Sue

FinTrack - Finance Report Tracking Team
Duke Tower, 3rd floor
phone: 490-8928
fax: 490-6238

>>> Gail Harnish 05/26/08 1:55 pm >>>
The attached report is for your review.

CC: Gail Harnish; Kathy Smith