



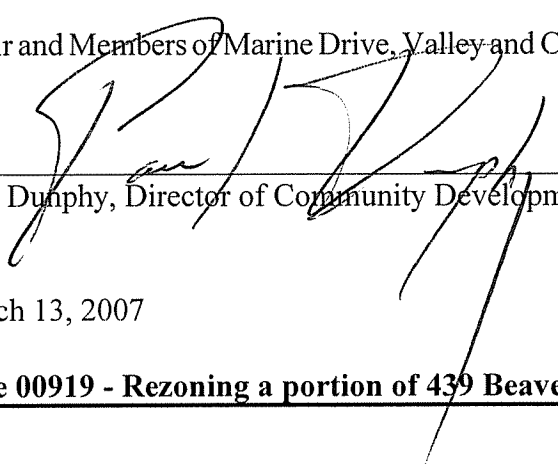
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

8.1.2

**Marine Drive, Valley and Canal Community Council**  
**March 27, 2007**

**TO:** Chair and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** March 13, 2007

**SUBJECT:** Case 00919 - Rezoning a portion of 439 Beaver Bank Road

**ORIGIN**

An application by Teak Tree Enterprises Ltd. to rezone proposed Lot WC at 439 Beaver Bank Road in Beaver Bank from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone to permit a commercial development.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council:

- (a) Give First Reading to the proposed rezoning of 439 Beaver Bank Road from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as provided in Attachment "A", and schedule a public hearing.
- (b) Approve the proposed rezoning of 439 Beaver Bank Road from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as provided in Attachment "A" .

## **BACKGROUND**

The subject property is located at 439 Beaver Bank Road and is described as follows:

- a 11.6 acre (4.7 hectare) piece of land located at the corner of the Beaver Bank Road and Majestic Avenue in the community of Beaver Bank;
- the proposed rezoning is for a portion of the property; a proposed lot (Lot WC) comprising 65,080 ft<sup>2</sup> (6046 m<sup>2</sup>) in area at the corner of Majestic Avenue and Beaver Bank Road. The remainder of the land will be developed under the current MU-1 zoning;
- located within the Urban Service Area boundary for central water and sewer;
- partially in-filled and undeveloped with little tree cover;
- designated MU-A (Mixed Use A) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (*Map 1*). This designation allows for the combination of commercial and residential development;
- zoned MU-1 (Mixed Use 1) Zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw (LUB) (*Map 2*). The MU-1 Zone was established to allow for a mix of low density residential uses with small scale commercial, resource and institutional uses; and
- adjacent to existing residential development along Beaver Bank Road to the south and on Majestic Avenue to the north.

**Original Proposal:** The applicant's original request was to rezone a portion of the land to create three lots and accompanying 10,000 square foot buildings for a total of 30,000 ft<sup>2</sup> (2787 m<sup>2</sup>) of commercial space. Subsequent to the public information meeting, the applicant reduced the size of the proposal.

**Revised Proposal:** The applicant is currently proposing a single 10,000 ft<sup>2</sup> (929 m<sup>2</sup>) building on one new lot. The applicant has indicated that at some future point an application to rezone additional lands may be proposed if the current proposal is a success. If a rezoning is applied for in the future, a full planning review will be required for consideration.

## **DISCUSSION**

The following is an evaluation of the proposed rezoning in relation to applicable policies of the MPS (Attachment "B").

### **Policy Intent:**

The MPS supports the addition of intensive commercial uses within the mixed use designation. Policy P-24 allows Council to consider rezoning from the MU-1 Zone to the C-4 Zone under certain

circumstances (see Attachment "B"). Based on staff's review of those criteria, this property qualifies for consideration.

The proposed site is suitable for larger scale commercial development. The site has direct access to the Beaver Bank Road and is located at the corner of major and minor collector roads. The location is at the entrance to the Majestic/Monarch Subdivision and ease of access from Beaver Bank Road would be well suited for local commercial development. The Traffic Impact Study (TIS) found no negative impacts from the proposal.

The proposed lot is large enough to provide adequate separation for adjacent uses. At maximum size, the proposed structure can readily meet the requirements of the C-4 Zone including lot coverage and size of yards, which were designed to limit impact of commercial properties on surrounding uses.

The applicants are proposing local commercial uses to serve the adjacent community. Because this is a rezoning request, any use permitted in the C-4 Zone could potentially be developed on the site. Nonetheless, the uses which are presently proposed would have less impacts on adjacent uses than some of the more intensive uses permitted in the Zone such as car sales. Further, there is a large portion of undeveloped land adjacent to the proposed rezoning, thus limiting the impact of the proposal on two sides of the property. The current mixed-use zoning would allow for future small scale commercial projects on the adjacent vacant land. When vacant sites are developed, be it for commercial or residential uses, this proposal would become part of the community landscape.

#### **Other Related Issues:**

***Reduced Scale of Development:*** The applicants have reduced the number of commercial buildings and lots from the original three to a single 10,000 ft<sup>2</sup> (929 m<sup>2</sup>) building and single lot in response to feedback from staff and the community. This would significantly reduce the proposal's impact on the community.

***Traffic:*** Concerns were expressed at the Public Information Meeting about traffic issues on the Beaver Bank Road and the impact on Majestic Avenue. The applicants commissioned a Traffic Impact Statement (TIS) for the original proposal of three commercial buildings. The TIS did not uncover any concerns relating to traffic. The report indicated that the traffic volume generated by the proposal would not warrant signal lights. The reduction from three buildings to one would reduce the traffic impact, which is anticipated to be minimal. Development Engineering staff reviewed the TIS and concurred with the results. If approved, the applicant would have to meet HRM's requirements relative to the engineering design of the driveways.

The property is outside of the Beaver Bank Growth Control boundary where limits apply to new residential development. The heavy traffic on Beaver Bank Road is the result of capacity issues downstream from the subject site and from residential growth in the general Beaver Bank area. Although the subject site is not located adjacent to or in close proximity to other commercial uses, the provision of local commercial uses at this site could reduce residents' frequency of travel on the Beaver Bank Road to existing commercial areas downstream.

**Scale and Potential Uses:** Residents were concerned about the possible negative effects of the increase in size and types of uses permitted by the C-4 zoning. Neighbours did not want to see uses such as car sales in a “rural setting” and preferred the smaller commercial uses permitted under the existing zoning. As a result, the applicants reduced the number of buildings and lots to minimize the impact of the development. The proposed development is to provide local commercial uses, such as professional offices, retail and daycare. However if rezoned to the C-4 zoning, any use under this zoning would be permitted. Concerns were also expressed over warehousing and storage on the site; these uses would not be permitted under the C-4 zoning as they are classified as industrial. If approved, the developer will have to meet the requirements of the C-4 Zone.

**Recreational Area:** A resident asked if there were any plans for recreational area as part of the project. When the new lot is created through final subdivision approval, HRM is entitled to a 10% parkland dedication, based on the value of the new lot. It is likely that HRM Real Property Planning would choose land off-site or a cash dedication; this will be determined at the time of subdivision.

**Public Information Meeting:** A Public Information Meeting was held on June 26, 2006. Approximately 44 members of the public were in attendance. The issues raised by the public have been addressed under this section of this report. Minutes of the meeting are provided as Attachment E. Should Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 3. This is the notification area which was also utilized for the Public Information Meeting.

**Conclusion:** The purpose of the mixed-use designation is to allow for a blend of housing, institutional, resource and commercial services. While the majority of properties surrounding the subject land are used for residential purposes, the existing zoning along Beaver Bank Road provides for a variety of residential and commercial land uses. Allowing limited larger scale commercial use, as proposed, is enabled by MPS policy and is generally in keeping with the intent of the MPS. Further, a preliminary survey of commercial development in the Beaver Bank area shows that there currently is a limited amount of larger scale commercial land available in the Beaver Bank area.

The proposed rezoning to C-4 (Highway Commercial) Zone reasonably satisfies the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (Attachment B). The commercial development which is proposed could serve a growing local market, without adversely affecting adjacent residential and community facility uses. Staff could not identify any issues which would suggest that this proposal is inappropriate on this site. It is recommended that Marine Drive, Valley and Canal Community Council approve the rezoning application for 439 Beaver Bank Road and approve the proposed land use by-law amendment as shown in Attachment "A".

## **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**

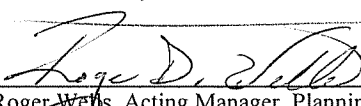
1. Council may choose to proceed with the rezoning from MU-1 (Mixed Use 1 ) Zone to C-4 (Highway Commercial) Zone . This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

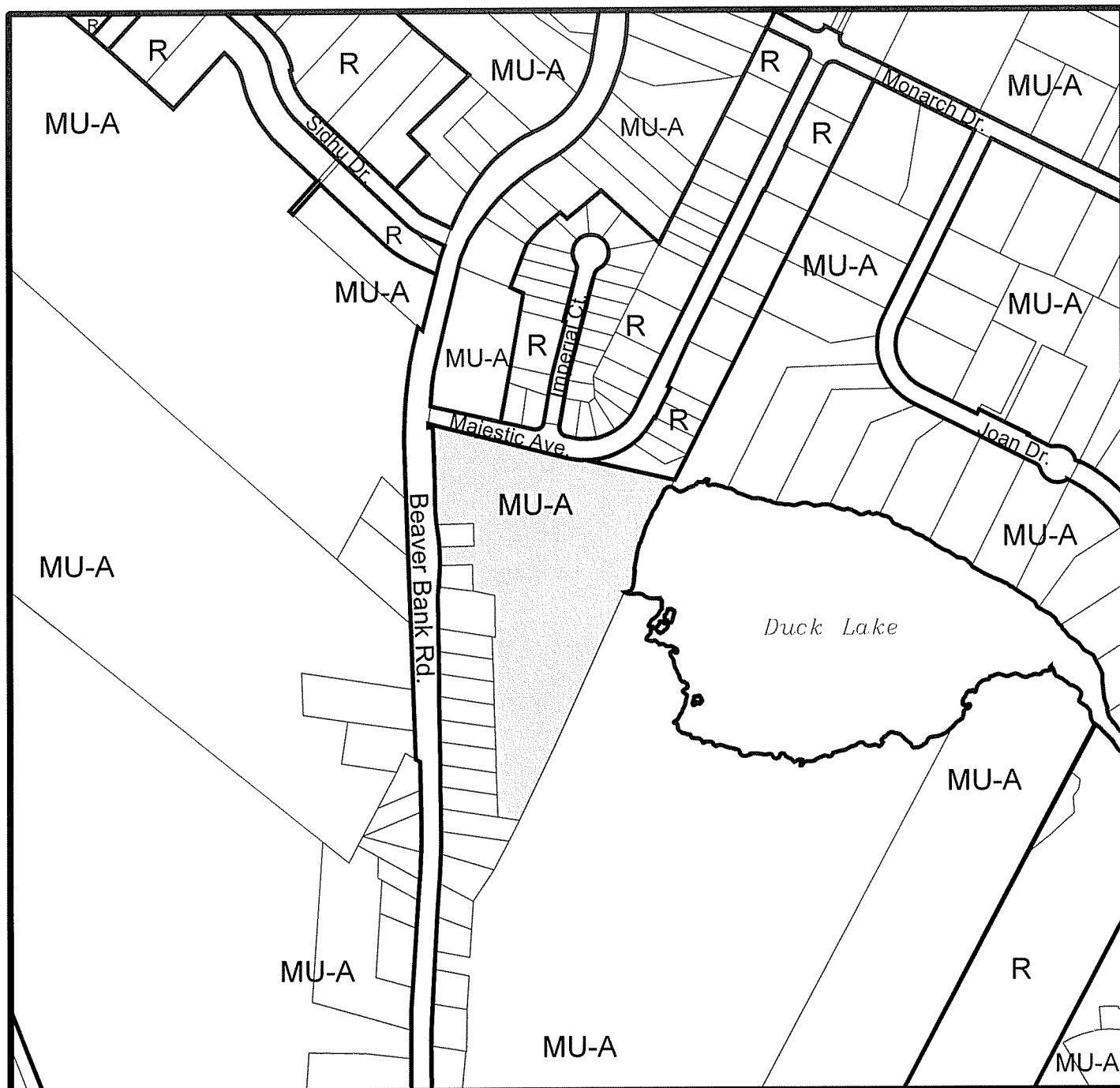
## **ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Notification Area
Map 4:	Proposed Site Plan
Attachment A:	Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville
Attachment B:	MPS Policies
Attachment C:	LUB Requirements for MU-1 Zone
Attachment D:	LUB Requirements for C-4 Zone
Attachment E:	Public Information Meeting Minutes- June 26, 2006

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

**Report Prepared by:** Leticia Smillie, Planner 1- Planning Applications: Community Development 869-4747  
Andrew Bone, Sr. Planner- Planning Applications: Community Development 869-4226

**Report Approved by:**   
Roger Wells, Acting Manager, Planning Services, 490-4373

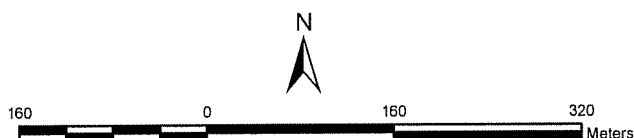


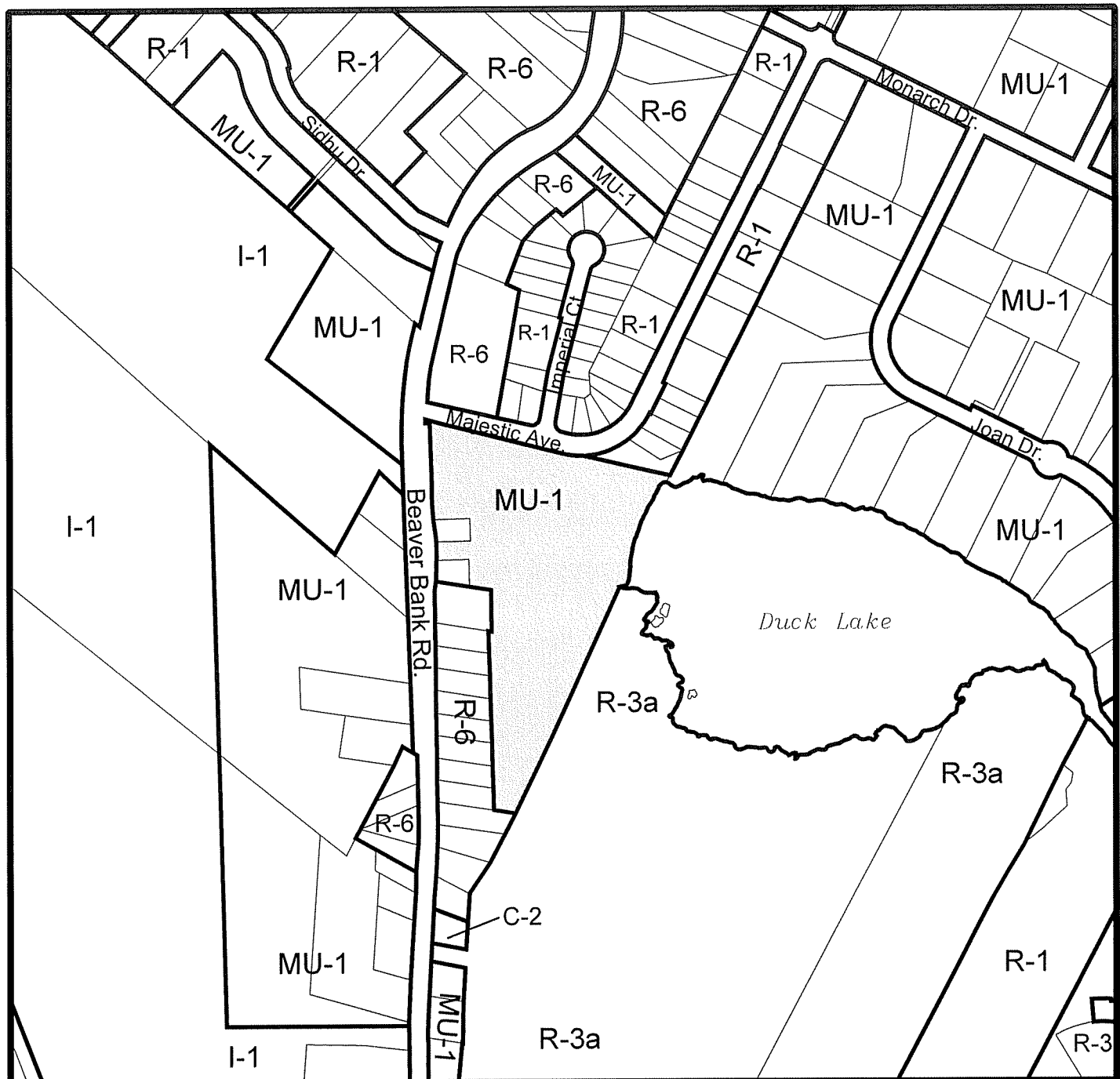
Map 1  
Generalized Future Land Use

 Subject Property

R Residential Designation  
MU-A Mixed Use - A Designation

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## Map 2 Zoning



Subject Property

R-1 Single Unit Dwelling Zone  
R-3 Mobile Unit Dwelling Zone  
R-3a Mobile Home Park Zone  
R-6 Rural Residential Zone

MU-1 Mixed Use 1 Zone  
C-2 General Business Zone  
I-1 Mixed Industrial Zone

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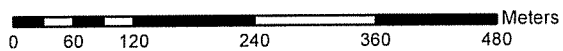




Map 3  
Notification

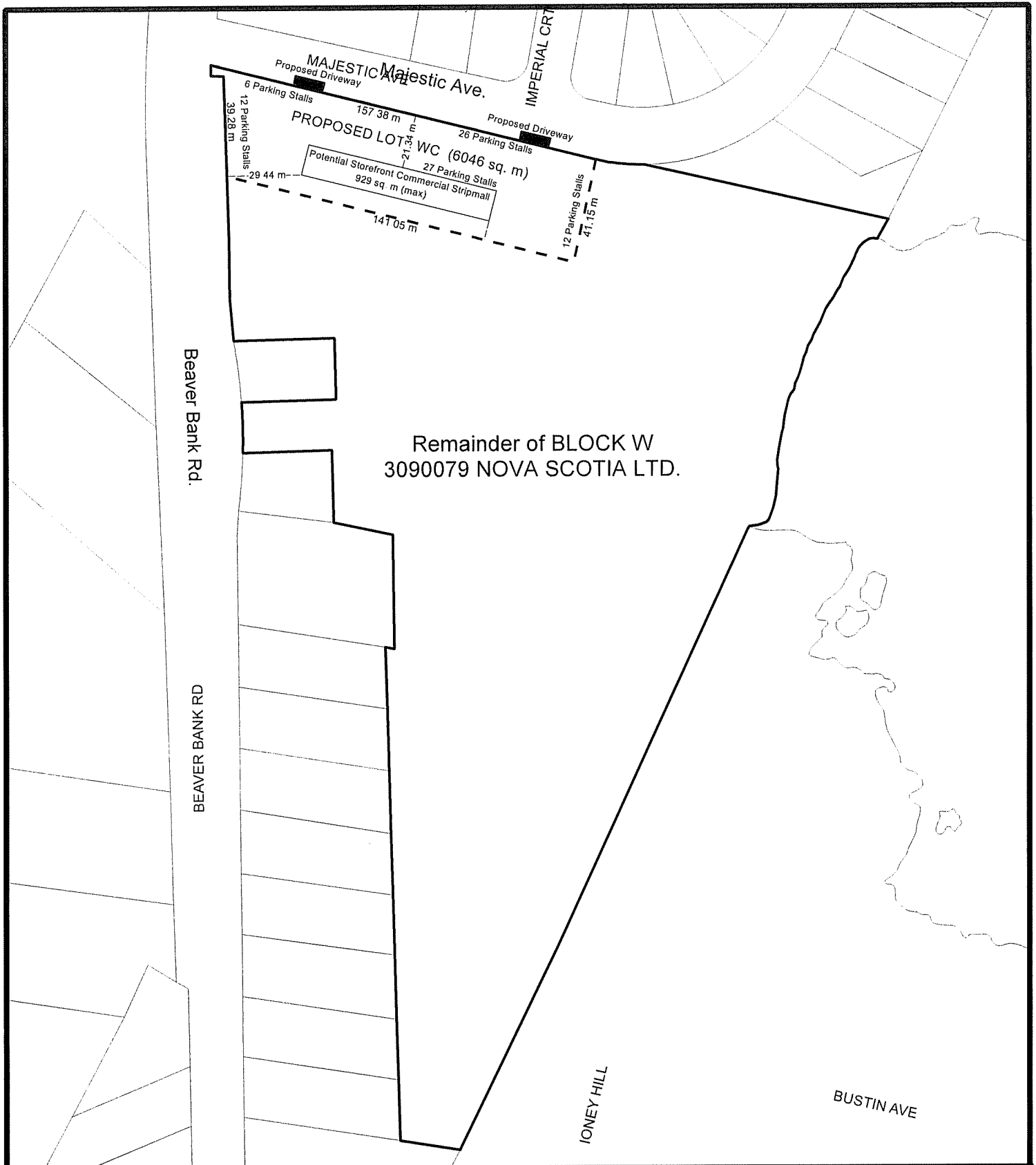


Notification Area



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## Map 4 Proposed Site Plan

--- Area to Be Rezoned from MU-1 to C-4 (Proposed Lot WC)



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**Attachment A**

**Amendment to the Land Use By-law for  
Beaver Bank, Hammonds Plains and Upper Sackville**

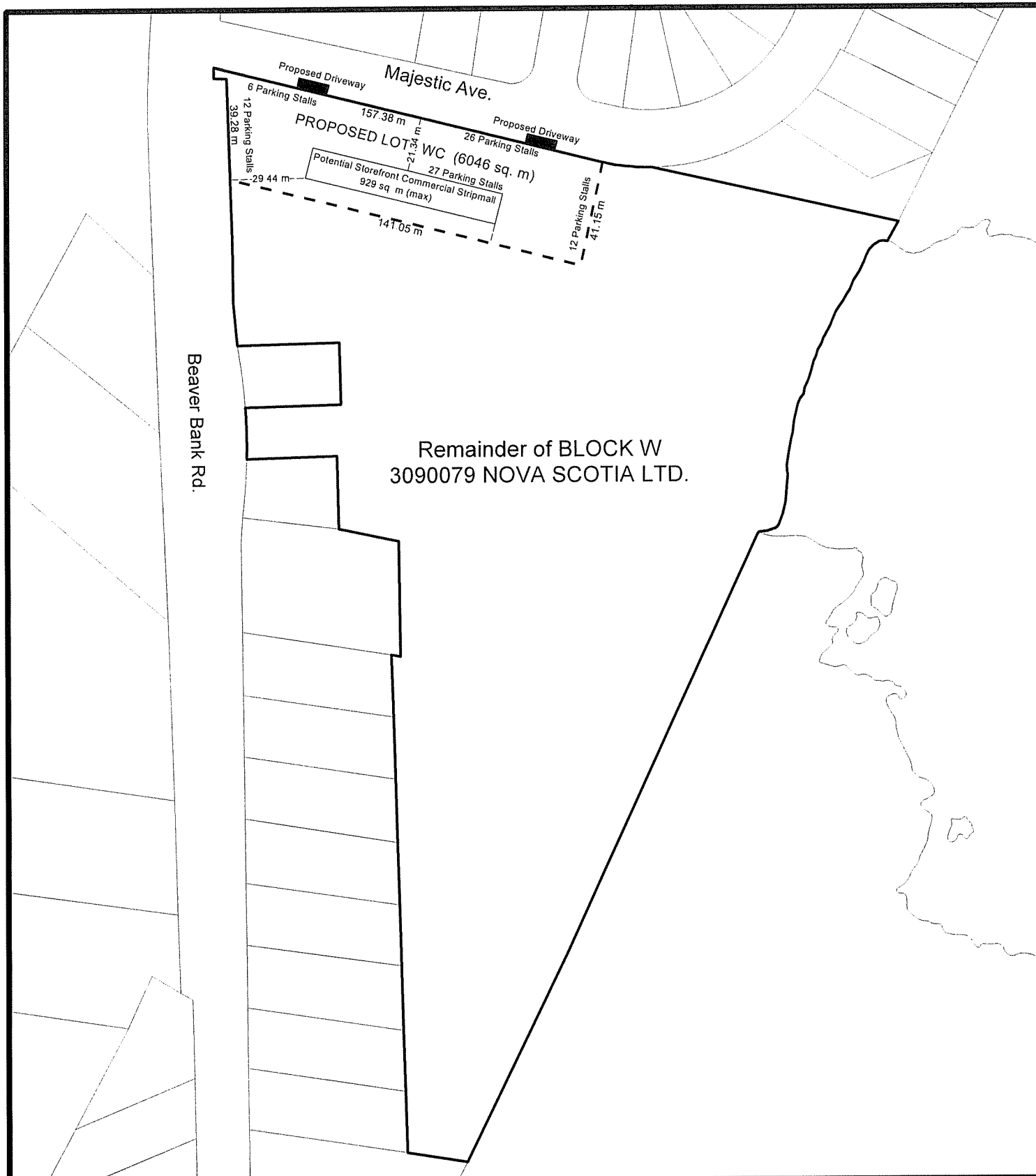
BE IT ENACTED by the Marine Drive, Valley and Canal Community Council of the Halifax Regional Municipality that the Land Use Bylaw of Beaver Bank, Hammonds Plains and Upper Sackville as enacted by the Halifax Regional Municipality on the 9<sup>th</sup> day of November, 1999 which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 6<sup>th</sup> day of January, 2007, is hereby further amended as follows:

1. Map C1 of the Land Use By-law shall be amended as shown in the attached Schedule "A".

I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Marine Drive, Valley and Canal Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk



## Schedule "A" Proposed Site Plan

--- Area to Be Rezoned from MU-1 to C-4 (Proposed Lot WC)



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**Attachment B**  
**Relevant MPS Policies**

- P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:
- (a) preference for a location adjacent to or in close proximity to other commercial uses;
  - (b) the potential for adversely affecting adjacent residential and community facility uses;
  - (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
  - (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
  - (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
  - (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and
  - (g) the provisions of Policy P-137.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (I) the financial capability of the Municipality to absorb any costs relating to the development;
    - (ii) the adequacy of central or on-site sewerage and water services;
    - (iii) the adequacy or proximity of school, recreation or other community facilities;
    - (iv) the adequacy of road networks leading or adjacent to or within the development; and
    - (v) the potential for damage to or for destruction of designated historic buildings and sites.

- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.  
(RC-July 2/02; E-Aug 17/02)

**Attachment C**  
**LUB Requirements for MU-1 Zone**

**PART 13: MU-1 (MIXED USE) 1 ZONE**

**13.1 MU-1 USES PERMITTED**

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

**Residential Uses**

Single unit dwellings

Two unit dwellings

Boarding and rooming houses

Bed and Breakfast

Senior citizens housing

Existing mobile dwellings

Existing multiple unit dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

**Other Uses**

Institutional uses, except fire and police stations

Open space uses

Commercial uses permitted in the C-2 (General Business) Zone

Trucking, landscaping, excavating and paving services

Agriculture uses

Forestry uses and wooden furniture manufacturing

Composting operations (see section 4.29)

**13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES**

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

**13.3 MU-1 ZONE REQUIREMENTS: OTHER USES**

In any MU-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)

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Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
  - (I) within 10 feet of the front lot line or within the required side yard;
  - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
  - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
  - (I) be less than fifty (50) feet from any side lot line;
  - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
  - (iii) be less than three hundred (300) feet from any watercourse or water body;
  - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN  
FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND  
PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.



13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

**Attachment D**  
**LUB Requirements for C-4 Zone**

**PART 17: C-4 (HIGHWAY COMMERCIAL) ZONE**

**17.1 C-4 USES PERMITTED**

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

All uses permitted in the C-2 zone  
Display courts  
Motels  
Service stations  
Taxi and bus depots  
Greenhouses and nurseries  
Veterinary clinics and indoor kennels  
Recycling Depots  
Building supply outlets  
Drive in and take out restaurants  
Fraternal centres and private clubs

**17.2 C-4 ZONE REQUIREMENTS**

In any C-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	30,000 square feet (2787 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage for Structures and Outdoor Storage	75 per cent

**17.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA**

The gross floor area of all commercial buildings on a lot in any C-4 Zone shall not exceed ten thousand (10,000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

17.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any front yard.
- (c) No outdoor display shall be located within ten (10) feet of any front lot line.
- (d) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential or community facility use except where a visual and physical barrier is provided, in which case there will be no open storage or outdoor display within five feet of the abutting side or rear lot line.

17.5 OTHER REQUIREMENTS: PARKING AND LOADING AREAS

No parking or loading area shall be permitted in any required side or rear yard where the yard abuts any residential or community facility use, except where a visual barrier is provided in which case there will be no parking or loading within five (5) feet of the abutting side or rear lot line.

17.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in the C-4 Zone, the following shall apply:

- (a) Minimum lot area 30,000 square feet (2787 m<sup>2</sup>)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty six (26) feet (7.9 m)

17.7 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 17.2, within a C-4 Zone, where any commercial use abuts another commercial or an industrial use, the abutting side or rear yard requirement may be reduced to eight (8) feet.

**Attachment E - Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY  
PLANNING SERVICES - CENTRAL REGION  
PUBLIC INFORMATION MEETING  
CASE 00919 - TEAK TREE ENTERPRISES LTD.**

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**Monday, June 26, 2006  
7:00 p.m.**

**Beaver Bank Kinsac Community Centre**

**STAFF:** Andrew Bone, HRM Planner  
Cara McFarlane, Administrative Support

**APPLICANT:** Rob Steeves, Teak Tree Enterprises  
Robb Ashley, North Star Surveying and Engineering

**REGRETS:** Councillor Krista Snow, District 2

**MEMBERS OF  
THE PUBLIC:** Approximately 44

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The meeting commenced at approximately 7:07 p.m.

**Opening Remarks/Introductions/Purpose of Meeting**

Mr. Bone introduced himself as the Planner assigned to this application; Rob Steeves, Teak Tree Enterprises; Robb Ashley, North Star Surveying and Engineering; and Cara McFarlane, Administrative Support;

The reason for this meeting is because Halifax Regional Municipality (HRM) received an application to change the land use zone on a property at the corner of Beaver Bank Road and Majestic Avenue. HRM staff would like to provide some general information about the proposal and receive feedback and hear the public's comments and concerns regarding the application.

Mr. Bone reviewed the agenda and circulated the sign-up sheet.

Mr. Bone reviewed the rezoning process with the public.

**Background**

The property in question is located at the corner of Beaver Bank Road and Majestic Avenue (shown on overhead). The proposed rezoning only covers a portion of the site (shown on overhead). The property is approximately 2.5 acres in size.

A zone is a list of regulations that outlines what land uses can be established on a site and what the criteria are for establishing those uses. In this case, Policy P-24 of the Municipal Plan allows Council to consider rezoning.

The current zone is MU-1 Zone which permits a variety of uses. It includes a number of commercial uses including C-2 Zone uses (shown on overhead). The main difference between a lot of commercial zones is the size and scale of the development. In the MU-1 Zone the maximum building size is 2 000 square feet. The proposed zone is C-4 which permits all the C-2 Zone uses as well as a few more (shown on overhead). A C-4 Zone permits 10 000 square foot buildings. One of the main criteria for the change in the zone is having access to Beaver Bank Road which the site has.

### **Presentation of Proposal**

Rob Steeves, Teak Tree Enterprises, presented his proposal to the public. The property will consist of a building upwards to 10 000 square feet. The building would contain retail/commercial, doctor/dentist office. The building would be there to support the area residents. A daycare is being considered. Mr. Steeves does not have any tenants to date. The intent is not to have any manufacturing services. He may use a portion of the building to display their cabinets but their shop will remain where it is.

Mr. Bone showed a concept plan on overhead. The concept plan shows three 10 000 square foot buildings. There will be two driveways on Beaver Bank Road and there are two proposed on Majestic Avenue, a maximum of 30 feet wide. Mr. Steeves said the intent is to build one building at a time. They will wait to see how the one building does and then possibly construct the next. The whole project could take five to ten years, depending on how quickly the buildings rent.

### **Questions and Comments from the Public**

Bruce Mott, Beaver Bank Road, asked if the proposed driveways are going to be full roads. Mr. Bone said they would be driveways in to the commercial site not into the lands behind. These would be individual lot accesses. Mr. Mott asked Mr. Bone to explain the Highway Commercial Zone. Mr. Bone said a name is applied to every zone. The current zone is a Mixed Use 1 Zone which is applied to a large area of Beaver Bank where it primarily has access to Beaver Bank Road and provides a wide variety of uses. The C-4 (Highway Commercial) Zone allows all uses within the C-2 Zone but at a larger scale, 10 000 square feet. The main requirement of the Highway Commercial Zone is that the property is on a major roadway such as Beaver Bank Road. Mr. Mott asked if it has anything to do with roads being trunk service roads. Mr. Bone said no.

Delphis Roy, Beaver Bank Road, is not against the project but has concerns that the C-4 Zone will allow car sales along Beaver Bank Road. He would prefer the C-4 Zone eliminate outdoor display courts. If the property sells there is nothing stopping someone to apply for a different use on that parcel. Mr. Bone explained that there are detailed requirements that have to be met before a permitted use can be allowed to operate.

Mr. Roy said in 1985/86 the plan was put in place and then reviewed in 1991. He would like to see the plan reviewed again to eliminate the use of outdoor display courts in the C-2 and C-4 Zones. Mr.

Bone said the C-2 Zone does not permit car sales. There isn't an immediate plan to review the plan at this time, but a decision regarding the Regional Plan is being made at Regional Council tomorrow and after that there will be a lot of plan review activity. Some plans will be reviewed because of their age and eventually all the plans will be reviewed.

Tony Benson, Barrett Subdivision, said many people at this meeting were involved in the plan review a number of years ago. At that time, there was a sense from the community on what type of uses were wanted. The residents looked at the community as primarily residential but outside the urban core and there would have to be an array of other things. A conscience decision was made to put the MU-1 Zone in place along the highway. It was anticipated though that small scale development would be encouraged. The concern of the community at the time was not to design the community for large scale development. The residents wanted uses that would be supporting the community. Once the zone on the parcel of land is changed, a subsequent owner, or Teak Tree Enterprises themselves, could do as they wish within the zone. He is also concerned that the Beaver Bank Road is already overtaxed. Mr. Bone said a detailed review is done by Traffic Services. Teak Tree Enterprises has been required to retain an independent professional engineer to provide a traffic impact study on the proposal. Mr. Steeves hopes to develop the whole project over time and hopes to alleviate some of the traffic on Beaver Bank Road by supplying some services to the community. An outdoor display court is not in the plan. The intent is to better the community.

Judy Cosman, Imperial Court, said from a community's point of view this proposal would have a tremendous negative impact on the home values in the future, increased traffic, increased noise at all hours of the night, become a hangout for teens, become a graffiti haven, increase garbage, be subjected to vandalism, home invasions and robberies. She wondered about the potential warehouse as it looks quite large on the concept plan. What is the use for that warehouse? Is it one big warehouse or smaller storage areas? She is opposed to the application to change to C-4 Zone and would recommend an R-1 Zone. Mr. Bone mentioned that the warehouse shown on the plan would not be a permitted use unless it was small scale and associated with retail. Storage and warehousing is not permitted. The permitted uses were shown again on overhead. The Development Officer would interpret whether a use was permitted or not.

Loretta O'Neil, Beaver Bank Road, asked how big 5 000 square feet actually is. Mr. Bone gave examples: Caldwell Banker and Ramar building, and Chris Brothers building. The building could also have two storeys but the total area cannot exceed 10 000 square feet and 35 feet in height. Ms. O'Neil asked if there will be a set of traffic lights established. Mr. Bone did not believe that there is enough traffic to warrant a set of lights. There will be a comment in the staff report.

Mike Donaldson, Majestic Avenue, agrees with Ms. O'Neil. The added traffic will cause more chaos on Beaver Bank Road. His concern is both with Majestic Avenue and Beaver Bank Road. He is also concerned about the decrease in property value. Mr. Bone said he has never seen property value go down. As for traffic, whenever there is commercial development proposed, a stop and site distance check is done to make sure they meet enough visibility distance in each direction based on the speed limit, different grades, etc. Mr. Donaldson does not want to see any steel structures. Mr. Steeves said their intent is for the building to be brick with landscaping and shrub beds surrounding it.

Kenny LeBlanc, Imperial Court, catches a bus at the stop across from the proposed site. The traffic comes very fast in that area and can see it being a bigger problem if traffic is increased. Are the public's views reflected in the staff report to Council? Mr. Bone would provide comments to Council through the staff report on concerns and views expressed by the public. His role is to advise Council of the impact in a positive or negative recommendation on this matter. Council does not always follow staff's recommendation. The Municipal Plan lays out a list of criteria that has to be reviewed.

Joe Ryan, Kinsac Road, believes this development could bring positive things into the community that are needed, doctors office, daycare, etc. It would be great for people who don't have a good means of transportation. As a growing community these things become more important.

Woody Skanes, Imperial Court, asked if the applicant is responsible for the traffic study. Mr. Bone said it is standard practice that when HRM ask for a traffic study that it be done by an independent professional qualified engineer. It is reviewed by HRM to ensure that all information is correct and that it meets the standards and to determine if the outcome is valid. The study for this proposal is complete but has not yet been reviewed by HRM. Mr. Skanes wondered how a study can be done on the impact of traffic when it is unknown what will occupy the proposed buildings. Mr. Bone explained how traffic studies are conducted and calculated. The studies are quite accurate.

Mr. LeBlanc is concerned as to what is considered average. Mr. Bone said the traffic study is a technical study and will tell Council how much traffic is predicted from the development, where the traffic is going and coming from, etc. The study will make a comment on whether or not Beaver Bank Road can physically handle the increase.

Mr. Skanes asked if Mr. Bone has the information from the study. Mr. Bone has the information but cannot disclose the information until it has been reviewed by the appropriate people. If HRM is not happy with the study, it will be sent back for revisions. If the study is deemed accurate then copies of the conclusion of that study would be sent to Council. Generally, traffic studies are not released to the public because they are owned by the applicant.

One resident asked how much traffic the Beaver Bank Road can presently handle.

Paul Hann, Beaver Bank, said during the residents annual meeting this year a traffic coordinator assigned by HRM was present. The residents wanted a set of traffic lights at the corner of Beaver Bank Road and Beaver Bank Windsor Junction Cross Road. They were told that a study was done and it didn't warrant a set of lights then but he didn't say how many cars come out at that intersection.

One resident asked if the traffic study takes into consideration the posted speed limit on the road. Mr. Bone said in the study there are comments on stop and sight distances which would take the speed limit into account.

Mr. Skanes asked if Department of Environment (DOE) has been involved as the land has been infilled over the past couple of years. Mr. Steeves said Scott Morash from DOE has seen the site and everything done to date has been in compliance with DOE and their knowledge. Mr. Skanes asked if any of the fill that is currently on the site came from in or around the Irving renovation on the

corner of Sackville Drive and Beaver Bank Road. Mr. Steeves is not aware that it has. One resident mentioned that it came from the school site.

Paul Lagatdu, Imperial Court, wondered how a decision could be made on such little information. Mr. Bone explained that questions that aren't answered this evening, will be asked of the appropriate agencies.

Donna Dill, Imperial Court, really likes Beaver Bank because of the rural outlook. She believes that the residents have to be very careful as to what comes into the area. She does not want to see large scale buildings go up if something smaller would suffice. She is concerned that the flavour of the neighbourhood will be lost. The traffic is a major concern and will only become worse. She would like to see residential on that site.

Wanda Cornish, Imperial Court, was concerned about the three school bus stops that occur at Majestic Avenue and Beaver Bank Road. Mr. Bone said he would talk to the school board regarding bus stops in the area.

Mr. Mott is concerned about the road across from his property. This road will be turned into a main street leading into a subdivision. That will add a great deal to the traffic as well. He understands that there still isn't a decision made on the property next to the pump house. Mr. Bone explained that any future development on that land is not subject to this application but the residents believe that proposal has to be factored in. He explained that there are certain things that are permitted as-of-right through the land use by-law.

Mr. Steeves said they are not going ahead with the residential development. Hopefully it will happen over the next ten years or so. The other piece of land Mr. Mott talked about Mr. Steeves believes has been set aside for parkland. Mr. Bone showed the current zone and what is permitted within that zone.

One resident asked if this information is available on-line. Mr. Bone said the Land Use By-law (zoning information) for the Beaver Bank area is available. The proposal is not on-line. Mr. Bone is available for any needed information.

Ms. O'Neil asked if Mr. Steeves will have control over who the tenants will be. She is concerned that over time the building will become empty. Mr. Steeves said they have to work within HRM guidelines. The plan is to generate revenue.

Ms. Cosman asked how many trips per day would be generated by commercial business. Mr. Bone was not sure of the number. The traffic impact study would state that number.

Tony Bitar, Beaver Bank Road, says there is currently too much traffic. He has seen too many accidents and close calls. Beaver Bank Road is not a thoroughfare and he believes Teak Tree Enterprises will have a hard time attracting business to the area.

Mr. Bone explained that this proposal will get a more stringent review than typical because Planning Services and Engineering are aware of the traffic issue on Beaver Bank Road. The new Regional



Plan proposes a moratorium on residential development for certain parts of Beaver Bank. They will be providing a comment on whether or not they feel it is appropriate.

Glen McClare, Majestic Avenue, wondered if the public was able to view the concerns with traffic. Mr. Bone explained that Traffic Services will review it and provide an engineering comment on the proposal. This will be included in the comments to Council. The public will have a chance to comment on traffic during the public hearing at Council. Mr. McClare would like someone to sit down with the community and explain the traffic study.

Mr. Mott was under the impression that HRM engineers would provide comment to Council based on the results from the traffic study provided by Teak Tree Enterprises. Mr. Bone explained that the study would be reviewed by a Development Engineer. If he feels it needs revisions, he will then forward it to Traffic Services for further comment. They would pass it back to him. In the end, Mr. Bone would receive a comment from the Development Engineer as to whether or not they agree with the study. Mr. Bone will then comment on the study to Council through the staff report. Traffic studies are not accepted unless HRM is confident that they are accurate.

Mr. Donaldson said the road is years out of date. Four lanes need to be put in for turning lanes. Mr. Bone agreed that Beaver Bank Road is at capacity.

Mr. Ryan can see that this developer could, as-of-right, build five 2 000 square foot buildings and have the same outcome as far as traffic goes. Wasn't traffic factored in with the zone that is currently placed on the property? Mr. Bone said the zone has probably been in place for almost 20 years. That analysis would be part of the staff report as well.

Mr. Ryan asked if there are any plans for a recreational area. Mr. Bone explained that the subdivision plan has not been finalized but every subdivision plan requires a percentage of land or money or a combination thereof for recreation. It was 5% but will go up to 10% if the Regional Plan is approved. Mr. Ryan asked if that applies to the commercial site to which Mr. Bone answered no.

Greg Seamone, Beaver Bank, said there are some additional uses on the C-4 Zone list. The concern is more than a size issue. Mr. Bone explained that some of the land uses you probably wouldn't see on the site because of where the property is located.

One resident asked if it is known what type of businesses would be attracted to the area. Mr. Steeves said the intent of the rezoning is nothing more than the square footage of the building to allow services that would aid the community.

Mr. Benson said when the plan was reviewed the community gave a lot of thought, did a lot of consultation and they chose the mixed use because it fit with the community. There should be some commercial development within the community but one with little impact. If this was not rezoned, can Teak Tree Enterprises apply for a development agreement to develop something there that would be specified so the community would have a level of confidence that this is what will fit in the community. Mr. Bone said the Municipal Plan lays out when and where you can either do a rezoning or a development agreement. There is no policy to support a development agreement in this case.

There are other zones that the developer could entertain. Traffic and scale of the development are the two major issues at this point that the staff report will focus on.

One resident is concerned that once the decision to rezone is made, the property owner can do things other than what is mentioned tonight. Mr. Steeves mentioned that there is more to it than just paying the rent. There are other aspects to look at.

Mr. Bitar asked if the warehouse portion could be used as a business out front and a storage facility in behind. Mr. Bone said if it meets the requirements of the Land Use By-law. It could not house large scale wholesale items. The warehouse should not have been on the concept plan as it is not a permitted use.

Mr. McClare agrees with Mr. Benson. The C-4 Zone is too broad and he likes the idea of negotiating a development agreement. Mr. Bone explained that Council does not have the power to do that. As a result of this, they could ask for a development agreement process to do a Highway Commercial Zone but that would involve a plan amendment which would require its own planning process.

Ms. O'Neil asked if the applicant can ask for a different zone or would they have to reapply to HRM. Mr. Bone said Council has the role to place a zone on a piece of property. He may suggest to Mr. Steeves to ask for a zone other than C-4. Ms. O'Neil asked how long it would be before the application is presented to Council. Mr. Bone said possibly the end of August first of September. The public will be able to view the staff report with all the comments prior to the public hearing.

Mr. Mott is strongly opposed to any development outside of residential on that piece of property.

### **Closing Comments**

Mr. Bone thanked everyone for coming to the meeting and expressing their comments and concerns.

### **Adjournment**

The meeting adjourned at approximately 9:06 p.m.