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Western Region Community Council
October 23, 2006

TO: Western Region Community Council

SUBMITTED BY: Paul Dunphy, Director of Community Development

DATE: October 3, 2006

SUBJECT: **Case 00936: Eurobuilt Rezoning, Hubbards**

ORIGIN

Application by Eurobuilt Incorporated.

RECOMMENDATIONS

It is recommended that Western Region Community Council:

1. Give First Reading to the proposed rezoning and schedule a public hearing.

2. Approve the rezoning of the Eurobuilt Incorporated property, as shown on Map 1, from the MU-1 (Mixed Use) Zone to the I-1 (General Industrial) Zone.

BACKGROUND

Eurobuilt Incorporated manufactures vinyl windows and doors. In June 2006 it bought and moved its assembly equipment into the former bowling alley in Hubbards (Map 1). As the Company closed the real estate transaction it learned that the property is in the MU-1 (Mixed Use) Zone, which does not permit industrial uses. It has therefore applied to rezone it to the I-1 (General Industrial) Zone. This is within the Planning Districts 1 & 3 (St. Margarets Bay) Plan Area.

Public Information Meeting

A meeting was held on September 18, 2006; the minutes are attached (Attachment "A").

DISCUSSION

Eurobuilt's manufacturing is light-industrial in nature, with no noise or air emissions. It meets the requirements of the I-1 Zone, which allows for, "Any manufacturing, processing, or assembly which is not obnoxious." It is also capable of meeting the Zone stipulations regarding the location and screening of outdoor storage and parking areas.

Policy MU-12 of the Planning Districts 1 & 3 Municipal Planning Strategy (MPS) allows Council to consider rezoning applications to the I-1 Zone, subject to conditions found in Attachment "C". Council is also directed to consider the rezoning proposal in light of:

- Policy IM-9 of the Planning Districts 1 & 3 MPS, which outlines general criteria for reviewing any rezoning application in the Planning Districts 1 & 3 Plan Area (Attachment "D"); and

- Policy IM-15 of the Regional Municipal Planning Strategy (RMPS)(Attachment "E"), which also has similar general criteria for the review any rezoning application.

A common theme of these policies is that consideration be given to the impact of a proposal upon adjacent properties. Given the light manufacturing character of the facility and I-1 Zone stipulations that obnoxious uses are prohibited, along with the requirements regarding the screening of outdoor storage and parking, there should be no adverse impact from the change in zoning.

Staff conclude that the proposal meets the above-noted policies within the MPS and RMPS and therefore recommends the approval of the rezoning.

BUDGET IMPLICATIONS

There are no budget implications at this time.

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 approve the proposed rezoning; this is the recommended course of action.

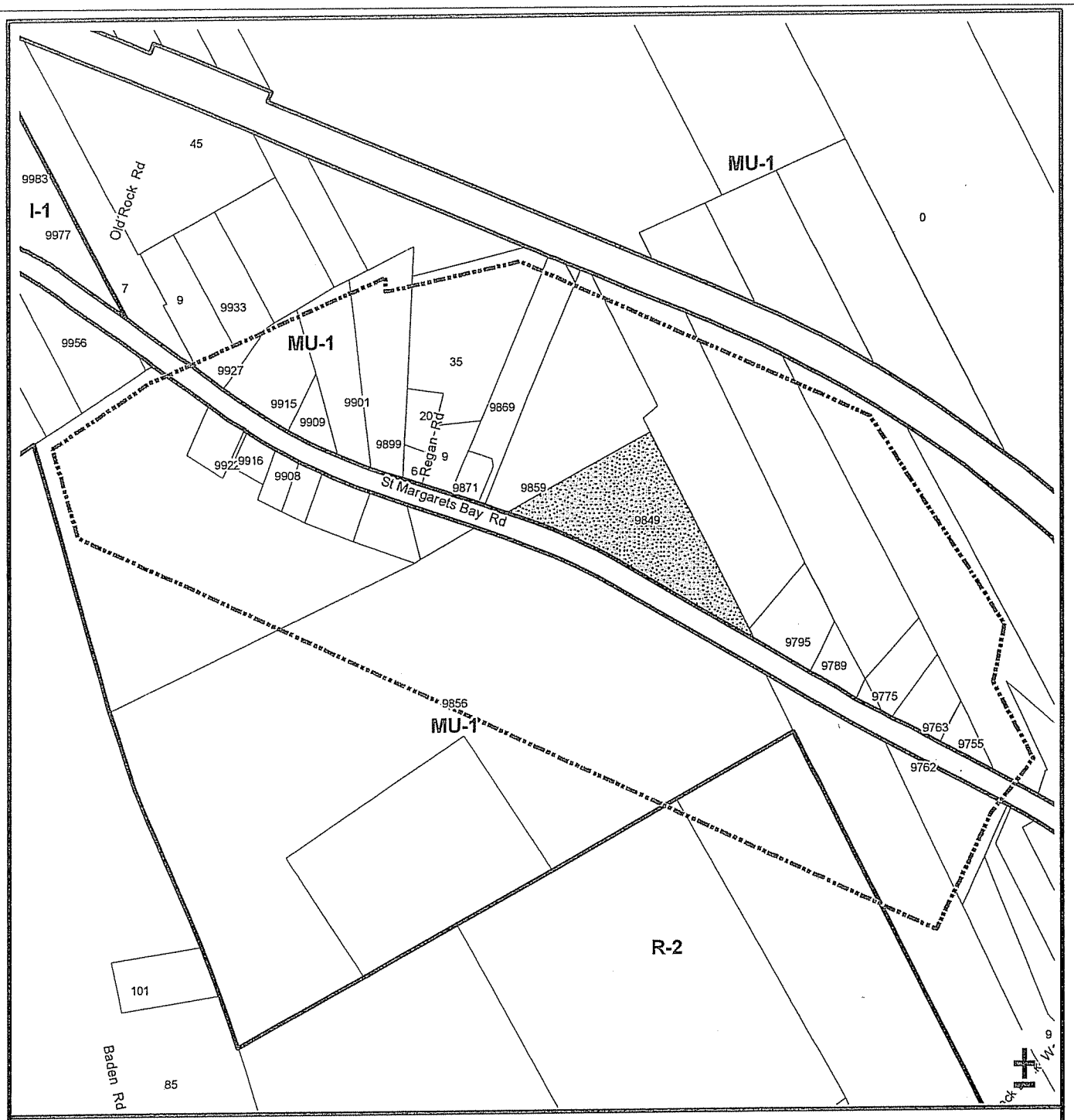
2. Council may choose to retain the existing MU-1 Zone and in doing so, must provide reasons for refusing the application. This is not recommended as staff contend that the proposal meets the MPS and RMPS rezoning policies for rezoning the site. Should Council select this option, HRM will undertake legal action to remove the window manufacturing use from the property on the basis of the LUB violation.

ATTACHMENTS

Map 1	Zoning
Attachment "A"	Minutes from Public Information Meeting (September 18, 2006)
Attachment "B"	Review of MPS Policy MU-12
Attachment "C"	Review of MPS Policy IM-9
Attachment "D"	Review of RMPS Policy IM-15

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

Report Prepared by: Richard Harvey, Senior Planner (902) 490-3691



Map 1 - Zoning

9849 St Margarets Bay Road
Hubbards

Planning District 1 & 3 Plan Area

Property to be rezoned from MU-1 (Mixed Use 1) to I-1 (General Industrial)

Area of notification

Zone

R-2	Two Unit Dwelling
MU-1	Mixed Use 1
I-1	General Industrial

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0 100 m

This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 1 & 3 Plan area.

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

17 August 2006 | Case 00936 | file: L:/work/planning/hilary/casemaps/00936.mxd (HEC)

Attachment "A" - Public Information Meeting Minutes

Case 00936
September 13, 2006

In attendance: Ron Eberle, Applicant
Councillor Meade
Richard Harvey, Senior Planner, Planning Services
Gail Harnish, Planning & Development Services

Mr. Richard Harvey called the public information meeting (PIM) to order at approximately 7:05 p.m. at the Shatford Memorial Elementary School in Hubbards.

Mr. Harvey advised tonight is the PIM which is the first step in the rezoning process. The application by Eurobuilt Incorporated is to rezone the former Hubbards Bowling Alley in Hubbards from MU-1 (Mixed Use) Zone to I-1 (General Industrial) Zone.

Mr. Harvey advised that Ron Eberle, the representative for this particular property, had a business in Burnside. At the time of the closing, after having signed everything, he found out the zoning did not allow what he wanted to do which is essentially vinyl window and door manufacturing. Even though he located his business there, he requires a rezoning to be approved in order to have this business recognized and have the proper zoning. If not, from a by-law perspective, we will have to enforce the land use by-law.

Mr. Harvey reviewed the rezoning process:

- an application was received
- a PIM is held
- Planning Services prepares a report which is tabled with the Western Region Community Council which includes a recommendation
- if Community Council decides to go to the next step and hold a public hearing, notices are sent out to those on the notification list and an advertisement is placed in the newspaper
- at the public hearing, members of the public are afforded an opportunity to speak either in favour or against the proposal
- Community Council will make a decision
- there is an appeal process

Mr. Harvey noted the application is for a rezoning. The MU-1 (Mixed Use) Zone is a mixed use zone. It permits some traditional businesses such as boatmaking and stone masonry, but does not permit an industrial use which requires manufacturing.

Mr. Harvey advised some of the key things we would look at in evaluating whether or not the rezoning is appropriate are:

- the potential for adversely impacting the surroundings, ie., will it impact on any surrounding properties either by virtue of its nature or scale of operation
- the effect on air quality
- the flow and type of vehicles accessing the site
- any planning matter that is of interest when looking at a change in zoning.

Mr. Harvey clarified that the I-1 zone does not permit manufacturing uses that are obnoxious. Also, there are some requirements with respect to the location of outside storage which has to be either screened or kept to the inside of the building.

Mr. Ron Eberle commented they find themselves in somewhat of a quandary. Because the property was zoned commercial, they thought it was suitable for their purposes which is mainly light manufacturing. There will be no heavy metals or chemicals. They are using raw materials that are pre-manufactured.

Mr. Eberle advised they have been operating their business in Burnside since about 1989 and since 2000 they had a building that was not suitable for what they were doing. It was on multiple levels and it was difficult for them to do their processing. They started looking around for a flat building. This building was picked for what they do.

Mr. Eberle indicated most of their sales since about 2001 have been export sales to the United States and the Carribean. That is their target market. He understood most of Interhab's sales are export sales as well.

Mr. Eberle said he was looking down towards Lunenburg and a real estate agent showed him this building. The size and shape of the building was perfect and there was some land that would allow them to expand. He felt they could almost fall within the same category as boat building or wood making except that they use PVC which is a wonderful material that has zero impact on the environment. The material is 100% recyclable. Any waste is picked up and sent to Montreal. They have no impact on the environment in terms of the materials they use.

Mr. Eberle indicated that because their target markets are in the Eastern United States and the Carribean, they do not need to be in the Halifax-Dartmouth area. They wanted to get out of Burnside and into a nicer environment.

Mr. Harvey advised that following tonight's meeting, he will formulate a staff report which will include a recommendation. It is important for him to gain an understanding of how members of the public feel about this.

Mr. Dave Tobin indicated Mr. Eberle has been hiring locally. Being nosy, he walked in one day and said he lived next door. What he has in there is environmentally friendly. It is aluminum and glass. There is nothing that would be considered hazardous.

Mr. Karl Janelle questioned whether this would affect their taxes.

Mr. Harvey responded he did not suspect it would have any impact.

Councillor Meade indicated that the amount of taxes from this business versus a bowling alley is almost the same.

Reference was made to the dotted area on the map and whether the whole area was being rezoned.

Mr. Harvey responded no and indicated the dotted area is the notification area. The area being proposed to be rezoned is just the hatched in area on the map which is just the property of the bowling alley.

Mr. Gaye Sims said they lived next door and was surprised not to get a notice. The proposal directly affects their property. They only have 60 sq.ft. across the front. The triangle comes out and touches their driveway. Things happening there will be in front of their house. He further pointed out their property, noting there are two big water tanks out by the driveway. The line is probably by the one tank.

Mr. Eberle advised that the Lions called and asked him about the sign and he told them they could keep it there.

Mr. Sims indicated noise, traffic and shift work were concerns. He asked if there would be any fumes. They just had an official appraisal of their property in the spring. He was surprised at how low it was and was told one of the reasons was because of the bowling alley next door. If the traffic increases, the value could decrease. The front yard is owned by a business and it is designated as commercial property.

Mr. Harvey noted we are typically looking at the light industrial zone. There are regulations in place which state it cannot be a manufacturing use that creates fumes or noise. There can be shift work. Once it is rezoned, there are no limitations on those types of things. There are no hours of operations that can be specified. There are some impacts. He did not know if there were any impacts as a result of the former use on the bordering area.

Mr. Sims indicated that before the bowling alley was established, the owner came to his door and promised a lot of things including that a sliver of that corner would be taken off and added to his

father's property so that they did not have to worry about things coming into their front yard. The survey was done but then it never happened. He was concerned with what could happen there in the future if the property is rezoned.

Mr. Harvey noted that there is an existing building with a parking area. It is a requirement of the I-1 zone that outdoor storage be contained and visually screened. He read into the record Section 19.5 from the land use by-law:

"Where any portion of any lot in an I-1 zone is to be used for open storage or outdoor display, the following shall apply:

(a) Any materials associated with the industrial use shall be contained within a building or enclosed by a fence, vegetation or other means which provides a visual and physical barrier.

(b) No outdoor display shall be permitted in any yard where the yard abuts any residential or community use, except where a visual barrier is provided in which case there will be no outdoor display within five (5) feet (1.5m) of the abutting side ro rear lot line.

(c) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community sue, except where a visual barrier is provided."

It is a requirement of the I-1 zone that outdoor storage be contained and visually screened.

Ms. Christina Vokey said she thought it was a positive development and did not see anything wrong with the business there. Businesses are needed in the community. She did not see it adversely impacting the environment. A lot of people do not even know this business is operating. They rent cottages and people were going to go bowling. It is not an eye sore. She fully supported the proposal.

It was questioned whether the business would devalue their property.

Mr. Harvey responded he did not know. The only positive thing about having him in there now is that you have a sense of what will be in there.

Mr. Eberle stated they did not make a lot of noise.

Mr. Harvey indicated this type of industrial zone is not a heavy industrial use zone.

An individual commented her $90,000 home should then still be worth that and more in 1.5 years.

Mr. Harvey responded he did not know. It is a light industrial zone. He was not sure it would be classed differently from commercial. He suggested she could pose that to a real estate friend.

The individual responded she has asked a couple of them. They said it would devalue her property a little bit.

Councillor Meade indicated he did not think it would.

It was questioned what other uses could now locate in that building.

Mr. Harvey responded you could have a traditional industry such as ship building.

It was commented there would not be a lot of difference between building ships and putting together doors.

Mr. Harvey indicated it was a mixed use zone which permits a variety of uses. That is the character of the area. The current zoning could permit some uses in that building that would be worse.

An individual commented they could not see the traffic being any worse than what the bowling alley was. They were open until 12 o'clock at night seven days a week.

Councillor Meade questioned whether it was possible to stipulate that there be no storage or display in the triangle referenced by Mr. Sims.

Mr. Harvey responded he thought it was covered off.

Mr. Eberle indicated they would not do that anyway.

Mr. Sims noted there were no measurements at the time his father put a house there. There is not even enough space to put trees between his home and the building.

Mr. Harvey urged Mr. Sims to give him a call sometime before the public hearing.

Mr. Sims questioned what would happen if the business is sold to somebody else.

Mr. Harvey responded that could happen. Nothing changes in terms of regulations. It could not be an obnoxious use and still has to meet some of the same requirements. Yes, changes can

occur and he can some time down the road sell the property and there could be another light industrial use there.

Mr. Eberle welcomed Mr. Syms to come over and take a walk through the building.

Mr. Harvey advised the next step is for him to prepare a staff report. The report will be tabled with Western Region Community Council and they will decide whether or not to schedule a public hearing.

The meeting adjourned at approximately 7:35 p.m.

Attachment "B" - Review of MPS Policy MU-12	
Policy Criteria	Staff Comment
. . . In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:	
(a) the potential for adversely affecting adjacent land uses or the environment by either the nature or scale of the proposed industrial operation;	The facility produced no emissions and has no greater land use impact with that of the former bowling alley on the site.
(b) the effects of the proposed use on air quality, as contained in the technical report from the appropriate Provincial or Federal government authority;	Given that no emissions are associated with the facility, no such report was produced.
(c) the effects of the volume and type of vehicular traffic using the access road to the proposed site;	There should be a decrease in automotive traffic with the change from commercial to industrial. There will be an increase in truck traffic, but this should be limited the occasional delivery truck.
(d) consideration of the compatibility of the proposed development with neighbouring development;	There should be little change in land use impact.
(e) the means by which solid and liquid waste will be treated; and	There is no liquid waste associated with the facility; solid waste will be collected through typical commercial collection means.
(f) the provision of Policy IM-9.	See Attachment "B".

Attachment "C" - Review of MPS Policy IM-9	
Policy Criteria	Staff Comment
. . . 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 strategy, Council shall have appropriate regard to the following matters:	
(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations;	The proposal is in conformity with the intent of the MPS and all other municipal by-laws and regulations. Permits will be required for the change in use.
(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;	There are no costs to the Municipality.
(ii) the adequacy of on-site sewerage and water services;	There is a decreased demand for on-site water and a decreased output of sewage with the change in land use.
(iii) the adequacy or proximity of school, recreation or other community facilities;	The use does not generate demands for these services.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	There is suitable access from St. Margarets Bay Road.
(v) the potential for damage to destruction of designated historic buildings and sites.	There are no designated historic buildings or sites in the area.
(c) that in development agreement controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	

Attachment "C" - Review of MPS Policy IM-9	
Policy Criteria	Staff Comment
(i) type of use;	The change in land use should have no significant impact upon adjacent lands.
(ii) height, bulk and lot coverage of any proposed building;	There is no change in this regard as the former building alley is being re-occupied.
(iii) traffic generation, access to and egress from the site, and parking;	• There should be a decrease in automotive traffic with the change from commercial to industrial. There will be an increase in truck traffic, but this should be limited the occasional delivery truck,. • There is suitable access and egress and on-site parking.
(iv) open storage;	There are Land Use By-law (LUB) requirements that storage be contained within a building or screened.
(v) signs; and	There are LUB requirements that regulate signs that mitigate any potential impacts upon adjacent land uses.
(vi) any other relevant matter of planning concern.	There are no other matters of planning concern that have been noted.
(d) that the proposed site is suitable with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and	The site is appropriate for the proposed land use.
(e) any other relevant matter of planning concern.	There are no other matters of planning concern that have been noted.
(f) Within any designation, where a holding zone has been established . . .	This criteria is not relevant as the site is not within a holding zone.

Attachment "D" - Review of RMPS Policy IM-15	
Policy Criteria.	Staff Comment
. . . 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, HRM shall consider the following:	
(a) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of HRM to absorb any costs relating to the development;	There are no costs to the Municipality.
(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	There is no impact upon municipal services as there are on-site water and septic systems.
(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;	The use does not generate demands for these services.
(iv) the adequacy of road networks leading to or within the development;	There is suitable access from St. Margarets Bay Road.
(v) the potential for damage to or for destruction of designated historic buildings and sites;	There are no designated historic buildings or sites in the area.
(b) 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;	The change in land use should have no significant impact upon adjacent lands.

Attachment "D" - Review of RMPS Policy IM-15	
Policy Criteria	Staff Comment
(ii) height, bulk and lot coverage of any proposed building;	There is no change in this regard as the former building alley is being re-occupied.
(iii) traffic generation, access to and egress from the site, and parking;	◦ There should be a decrease in automotive traffic with the change from commercial to industrial. There will be an increase in truck traffic, but this should be limited the occasional delivery truck, at an estimated frequency of once per week. ◦ There is suitable access and egress and on-site parking.
(iv) open storage;	There are Land Use By-law (LUB) requirements that storage be contained within a building or screened.
(v) signs; and	There are LUB requirements that regulate signs that mitigate any potential impacts upon adjacent land uses.
(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	The site is appropriate for the proposed land use.