

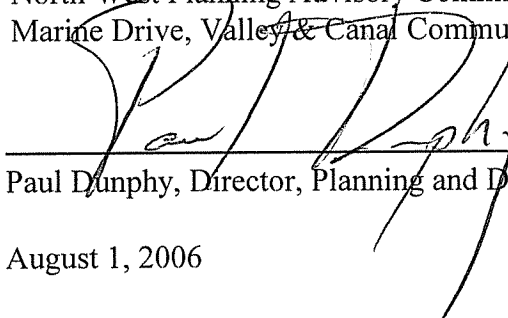


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Western Region Community Council - August 28, 2006
North West Planning Advisory Committee - September 6, 2006
Marine Drive, Valley & Canal Community Council - August 23, 2006

TO: Western Region Community Council
North West Planning Advisory Committee
Marine Drive, Valley & Canal Community Council

SUBMITTED BY: 
Paul Dunphy, Director, Planning and Development Services

DATE: August 1, 2006

SUBJECT: Case 00925: Beaver Bank, Hammonds Plains and Upper Sackville
Land Use By-law Amendment - C-4 (Highway Commercial) Zone -
Auto Repair

ORIGIN

Request by Western Community Council on June 26, 2006.

RECOMMENDATION

It is recommended that Western Region Community Council, North West Community Council, and Marine Drive, Valley & Canal Community Council:

1. Give First Reading to consider the proposed Land Use By-law amendment and schedule a joint public hearing.
2. Approve the proposed Land Use By-law amendment relating to the definition of service stations to permit stand alone auto repair uses as set out in Attachment "D".

BACKGROUND

Western Region Community Council at its June 26, 2006 meeting, passed a motion requesting staff to initiate a planning process to consider an amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) to change the definition of service station to permit stand-alone auto repair without the sale of gasoline or lubricants.

The LUB currently defines a service station as:

SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.

The current definition permits a gas station with the auto repair but does not allow stand-alone auto repair uses.

An amendment to the Beaver Bank, Hammonds Plains and Upper Sackville LUB requires a decision by three Community Councils: Western Region Community Council, North West Community Council and Marine Drive, Valley and Canal Community Council.

DISCUSSION

The Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville does not permit stand-alone auto repair uses under the definition of service stations.

Current and past trends in the automotive industry have seen the separation of the sale of gasoline and automotive repair. In fact it is now very rare to have a service station as currently defined in the Land Use By-law. Typically gas bars and convenience stores are combined and auto repair is a separate use.

The definition in the Land Use By-law has not been amended to reflect current industry trends.

Issues:

In determining if the Land Use By-law should allow for stand-alone automotive repair uses, staff identified the following areas for discussion upon review of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS):

Where are service stations currently permitted? Service stations are a permitted use in the GU-1 (General Use 1), MU-2 (Mixed Use 2) and C-4 (Highway Commercial) zones. Any change to the definition would affect three zones, however, the GU-1 and MU-2 zones also permit stand-alone service industries which include auto repair. Thus the only zone affected by this proposed change

is the C-4 (Highway Commercial) Zone (Attachment B). Map 1 and 2 identify properties zoned C-4 (Highway Commercial) Zone.

Is there any additional impact on the surrounding community? The current definition allows the establishment of service stations which include auto repair and the sale of gasoline. As the land use of auto repair is already permitted, in combination with another land use, there should be no additional impact as a stand-alone land use. Thus, staff is not proposing any changes to the requirements for service stations within the C-4 Zone.

Re-use of existing service station facilities? The proposed change to the definition would ensure that any current service stations which were built as a traditional “service station” could continue use as a stand alone auto repair shop if the sale of gasoline was terminated.

Should auto body repair be excluded from the definition of service station? Auto body repair shops traditionally have greater land use impacts than auto repair or service stations and are currently not permitted as a service station and are permitted in other zones. Staff has clarified in the definition of service station that auto body repair shops are excluded.

Public Participation:

A public information meeting was not held for this planning process. Councillor Meade (District 23), Councillor Johns (District 19) and Councillor Snow (District 2) concurred with the staff recommendation to waive the requirement for a public information meeting.

Conclusion

Based on a discussion of the issues related to the proposed change, staff is recommending that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-laws be amended in order to permit stand-alone auto repair within the C-4 (Highway Commercial) Zone as shown in Attachment C.

BUDGET IMPLICATIONS

None.

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 proposed amendment to the Land Use By-law. This is the recommended course of action.

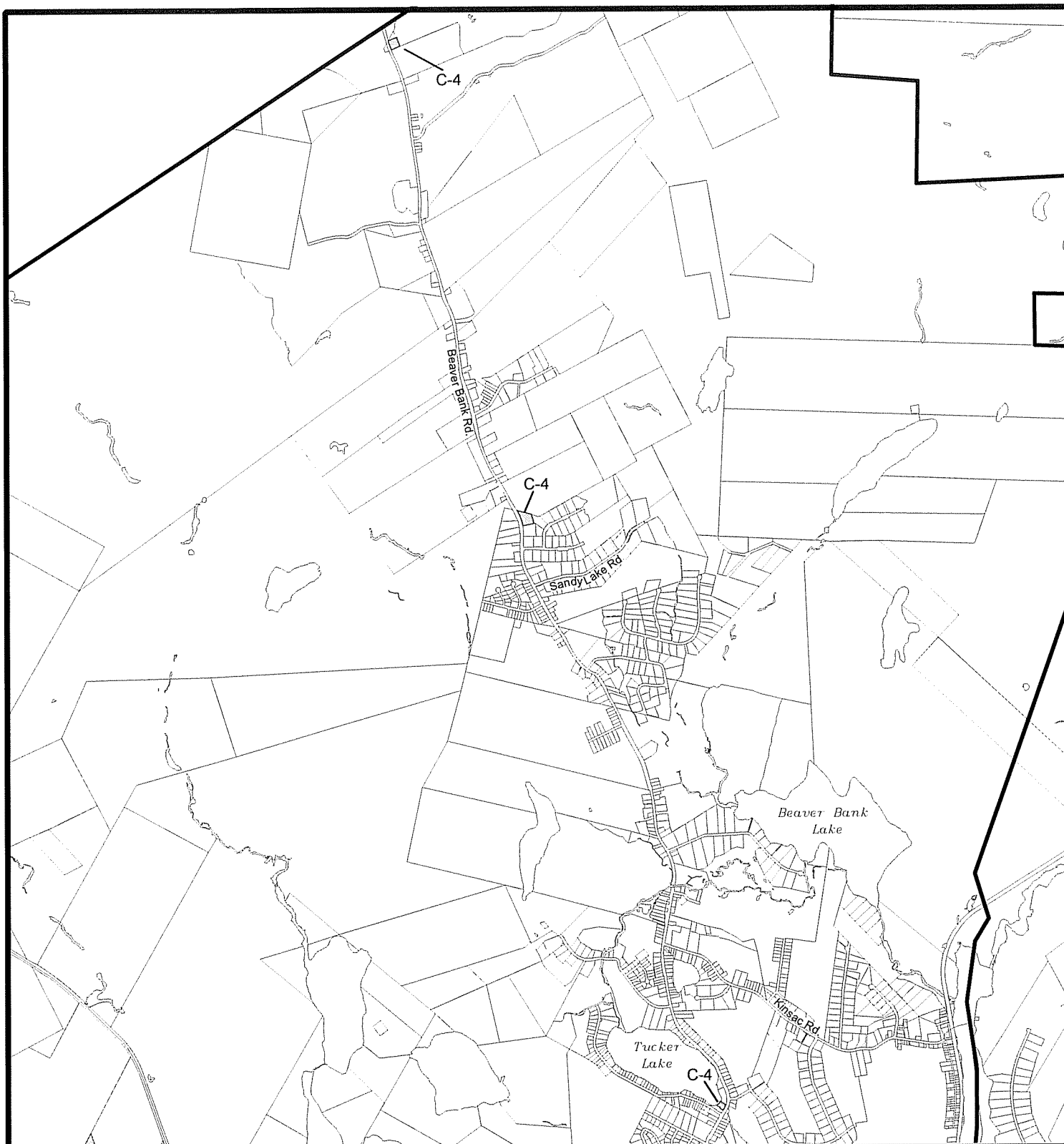
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed amendment is consistent with the policies and intent of the MPS.
3. Council may choose to alter the proposed amendment to the Land Use By-law. This may necessitate further negotiations with the applicant and additional report(s) In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required.

ATTACHMENTS

Map 1	Properties Zoned C-4 - Beaver Bank
Map 2	Properties Zoned C-4 - Hammonds Plains
Attachment "A"	Relevant MPS Policy
Attachment "B"	Existing C-4 Zone Requirements
Attachment "C"	Proposed Land Use By-law Amendments for Service Stations

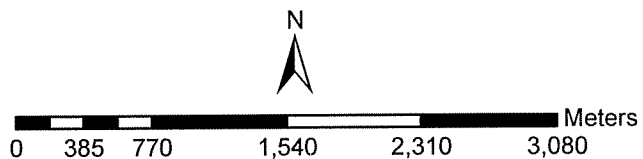
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

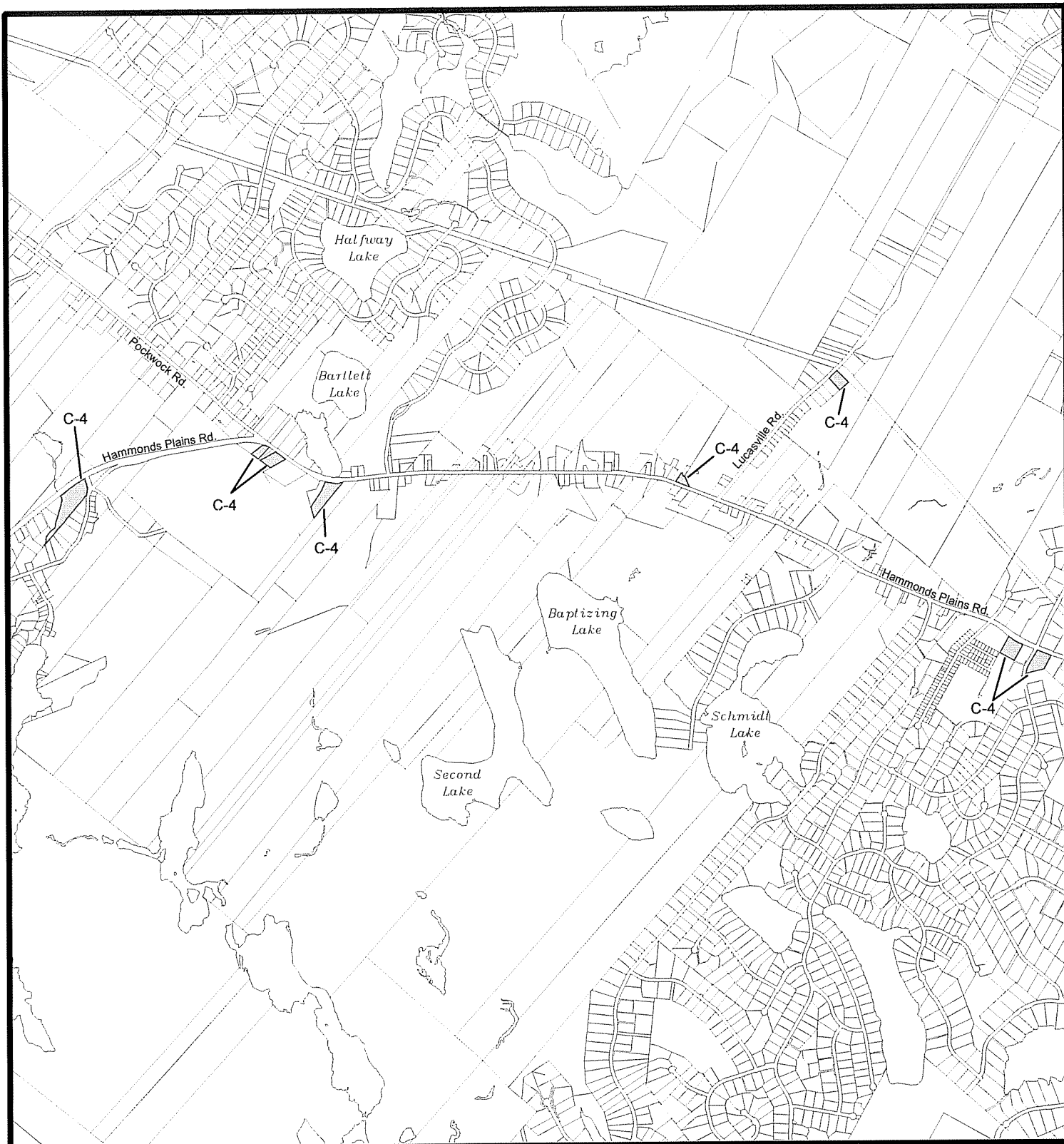
Report Prepared by: Andrew Bone, Planner 1, Planning and Development Services, 869-4226



Map 1
Properties Zoned C-4 (Highway Commercial) Beaver Bank Area

HALIFAX
REGIONAL MUNICIPALITY
Planning Services





Map 2
Properties Zoned C-4 (Highway Commercial) Hammonds Plains Area

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



**Attachment “A”
Relevant MPS Policy**

- 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-133 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the Strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreements as provided for by the Municipal Government Act. Such amendments and agreements shall be considered only if they meet the policies found within this Strategy.
- 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)

P-138 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Municipal Government Act.

Attachment B
Relevant LUB Regulations

2.72 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.

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 ²)
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 m²)
- (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 C
Proposed Land Use By-law Amendments

BE IT ENACTED by the North West Community Council, Western Region Community Council, and Marine Drive, Valley & Canal Community Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by Halifax Regional Municipality on the 9th day of November, 1999 as amended, is hereby further amended as follows:

1. Part 2 shall be amended by deleting Part 2, Section 2.72 and replacing it with the following text:

“SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines; and (or) the servicing and general repairing of motorized vehicles and may include the sale of automobile accessories and washing establishments. Furthermore the general repair of motorized vehicles shall not include an auto body shop.“

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 Western, North West and Marine Drive, Valley and Canal Community Councils of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2006

Jan Gibson
Municipal Clerk