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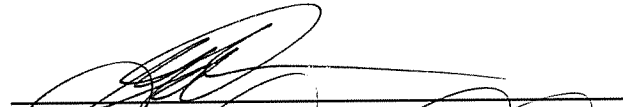


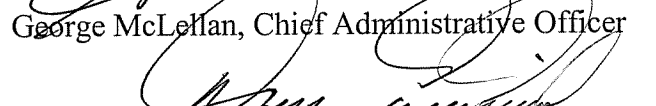
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Halifax Regional Council
February 22, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: February 08, 2005

SUBJECT: Case 00635 - Amendments to a Development Agreement - 3 Bruce Street

ORIGIN

A motion by Harbour East Community Council on February 03, 2005 requesting Regional Council to initiate a site specific amendment to the Dartmouth Municipal Planning Strategy to permit a warehousing and distribution use at 3 Bruce Street.

RECOMMENDATION

It is recommended that Regional Council:

- **REFUSE to initiate the process to amend the Dartmouth Municipal Planning Strategy to permit a warehousing and distribution use at 3 Bruce Street.**

BACKGROUND

Overview:

In 1987, the City of Dartmouth and Michel Klayme entered into a development agreement to permit a neighbourhood convenience grocery store and one residential dwelling unit at 3 Bruce Street in accordance with Policy C-2 of the Dartmouth Municipal Planning Strategy (MPS). A development agreement was required as the property was zoned R-1 (Single Family Residential Zone) and designated Residential.

In 2003, Michel Klayme made an application to amend the existing development agreement to permit an addition to the neighbourhood convenience store (1071 square feet) for the purpose of storing goods. In reviewing this application, staff determined the applicant delivers meats and pizza supplies throughout the entire metro area. The activity of storing and distributing meats and pizza supplies is a warehousing and distribution use in accordance with the Dartmouth Land Use Bylaw.

In applying for the addition, the applicant is in essence, applying to enable a “warehousing and distribution” use. A warehousing and distribution use is not permitted in accordance with the existing development agreement, or the R-1 (Single Family Residential) zone.

The application to amend the existing development agreement was evaluated by staff and presented to Harbour East Community Council on February 03, 2005. Staff recommended that Harbour East Community Council refuse the proposed amendments to the existing agreement to permit an addition to an existing neighbourhood convenience store and authorize the warehouse and distribution use at the subject property. Upon discussing the proposal, Community Council moved a recommendation for Regional Council to consider a site-specific MPS amendment to permit a warehousing and distribution use on the property.

DISCUSSION

Site specific amendments to the MPS are not routine applications as rezoning and development agreement applications are. The Municipal Government Act contemplates applications for rezoning and development agreements and sets out procedures for a municipality to follow including provisions for an appeal of Council decisions. While there is an ability for Council to amend its MPS, it is under no obligation to do so and there is no appeal on its decision to amend or not amend.

Overview of Policy

The overall intent of the Dartmouth MPS is to protect and revitalize existing neighbourhoods. The MPS supports neighbourhood commercial establishments as a significant part of any neighbourhood. However, the intent of the MPS is that these uses should serve the immediate neighbourhood rather than the community as a whole. The preamble to the commercial policies of the MPS contains the following statement in respect to neighbourhood convenience uses:

There is no set criteria for the number or amount of these stores, however, their numbers are usually kept down due to the limited area they serve. (Dartmouth MPS, P.54)

Warehouse facilities are contemplated uses in the Dartmouth MPS. However, the intended location of these uses is in industrial or general commercial areas that are not in close proximity to a residential area.

These uses usually require large amounts of storage space and considerable room for truck movement and parking. Due to the demands for space and the associated truck traffic, these uses should only be allowed in industrial areas or a general commercial area away for residential areas. (Dartmouth MPS, P.58)

Summary and Recommendation:

In summary, the subject property is located in a residential neighbourhood. The overall intent of the residential policies is to protect and revitalize existing neighbourhoods while warehousing is clearly intended to be located in industrial or general commercial areas. Given this clear policy intent, it is staff's opinion that warehousing should not be considered in a residential area and that the approval of site-specific amendments to permit such a use may set a precedent to approve requests of a similar nature. Therefore, staff recommends that Regional Council not initiate the plan amendment process for such a consideration.

BUDGET IMPLICATIONS

There are no budget implications to HRM to initiate the MPS amendment process.

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

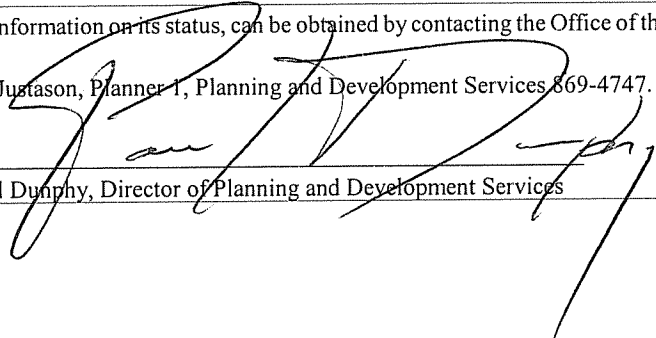
1. Council may choose ***not*** to initiate the MPS amendment process. This is the staff recommendation.
2. Council may choose to initiate the MPS amendment process. This is not recommended for reasons discussed above. In the event that Council chooses to proceed with this alternative, staff will follow the public participation program approved by Council in February 1997 and will develop appropriate policy and regulatory measures based on a site-specific MPS amendment.

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:

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Report Approved by:


Paul Dunphy, Director of Planning and Development Services