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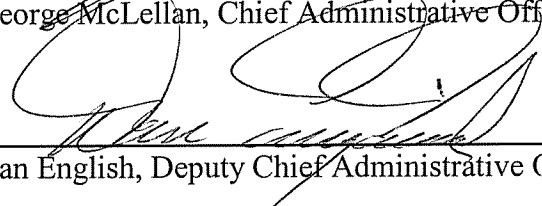
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**March 29, 2005**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
George McLellan, Chief Administrative Officer

  
\_\_\_\_\_  
Dan English, Deputy Chief Administrative Officer

**DATE:** March 11, 2005

**SUBJECT:** **Case 00771: Amendments to Planning District 4 MPS - 1030 Terence Bay Road**

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**ORIGIN**

Request by the Coastal Communities Economic Development Co-Operative Limited to amend the MPS for Planning District 4, in order to relax the restrictions on new and expanded buildings for 1030 Terence Bay Road, Terence Bay (PIDs 00384834 and 40501124).

**RECOMMENDATION**

**It is recommended that Halifax Regional Council:**

1. Authorize staff to initiate the process to consider amending the Planning District 4 Municipal Planning Strategy (MPS), in order to relax restrictions on new and expanded buildings for 1030 Terence Bay Road, Terence Bay (PIDs 00384834 and 40501124).
2. Instruct that the MPS amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

## **BACKGROUND**

**Site Description:** The subject site is located on the Terence Basin at 1030 Terence Bay Rd. It is bounded to the west and south by single unit dwellings, to the north by an HRM owned parkland parcel, and to the east by the coastal shoreline (see Map 1). The property consists of two abutting lots with a total area of 74,916 square feet (approximately 1.7 acres) and 200 ft. of frontage on Terence Bay Road.

The site contains a two storey building, which was formerly used as a fish processing plant (Northland Fisheries). It is situated towards the front of the property, is approximately 108 ft. by 126 ft. with an approximate area of 10,000 sq. ft. per floor. Apart from a small portion of the building which is used as office space for the Coastal Communities Economic Development Co-Operative, most of the space now sits vacant.

**Past History of Site:** The former fish plant building dates back to 1957. The plant was closed in the mid-1990s due to the imposition of the inshore fishing moratorium. The resulting loss of employment opportunities within the Terence Bay community was one of the factors that led to the formation of the Coastal Communities Economic Development Co-operative Limited (hereinafter referred to as 'the Co-op') in 1997.

The Co-op is a non-profit, community-based organization with membership comprised of representatives from community groups, members of the local business community and members of the general public. Its mandate is to create long term sustainable social, economic and employment opportunities in approximately fifteen communities located from Goodwood to West Dover. In July 1999, the Co-op purchased the former fish plant and identified potential opportunities for development, with the objective of creating businesses and employment within the community.

In November 1999, an application was made by the Co-op to amend the MPS to allow for conversion of the former fish plant building and property to permit commercial, community and resource related uses, which would be supportive of the tourist industry and the surrounding community. Staff recommended the development agreement option as the most appropriate mechanism for allowing the Co-op to implement its plans, while providing the community with some reassurances that any future development would be compatible with neighbouring land uses.

On May 22, 2001, Regional Council adopted new policies (MU-6a and MU-6b) for the MPS for Planning District 4 (see Attachment "A"). These policies allow for the various uses requested by the Co-op through the provision of a development agreement. Subsequent to this approval, HRM entered into a development agreement with the Co-op which allows for the conversion of the fish plant.

**Synopsis of Proposed Development:** The Co-op has made a new application to replace the former fish plant building with a pre-engineered steel structure that would allow for the establishment of a boat builder, among other uses presently permitted under the existing development agreement. The proposal entails replacing of the existing building with a new building of greater height. However,

the existing MPS policies do not enable the approved development agreement to be amended to achieve this. Therefore an amendment to the MPS is required.

### **DISCUSSION**

When Policies MU-6a and MU-6b were being prepared, the public consultation process indicated that there was community support for redevelopment of the existing building, provided the height, bulk and architectural design of the fish plant building were maintained. The MPS policies subsequently adopted by Regional Council stipulated these restrictions.

However, Policies MU-6a and MU-6b have since shown themselves to be too restrictive. On many occasions since the original DA was negotiated, the Co-op has had to turn down prospective boat builders due to insufficient height of the current building. This has resulted in most of the building being left vacant for a number of years.

The actual age of the building, combined with the inability of the Co-op to finance needed repairs to the building because of a lack of rental income, has resulted in the continual decline in the condition of the building past the point where the Co-op feels that it is still feasible to maintain it (see Building Condition Survey - Attachment "B").

### **Conclusion**

Staff are satisfied that the present condition of the building is such that a sufficient change in circumstances exists to warrant reconsideration of the present MPS policies and that any new policies should be flexible enough to allow for the demolition of the existing building, as well as authorize the construction of a replacement building that does not necessarily replicate the existing building. This would enable the existing development agreement to be amended in such a way as to serve the interests of the Co-op in fulfilling its mandate to promote community economic development while ensuring any future use of the property is compatible with the surrounding community.

### **BUDGET IMPLICATIONS**

There are no budget implications identified with this application 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**

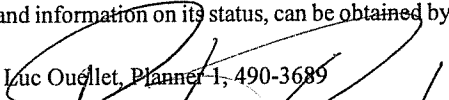
The following alternatives are identified:

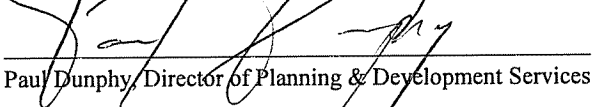
1. Regional Council may wish to follow the staff recommendation and initiate a process to amend the Planning District 4 Municipal Planning Strategy (MPS), in order to relax the restrictions on new and expanded buildings for 1030 Terence Bay Road, Terence Bay (PIDs 00384834 and 40501124).
2. Alternatively, Regional Council may choose not to initiate the amendments to relax the restrictions on new and expanded buildings for 1030 Terence Bay Road, Terence Bay (PIDs 00384834 and 40501124). This is not the recommended course of action for the reasons stated previously.

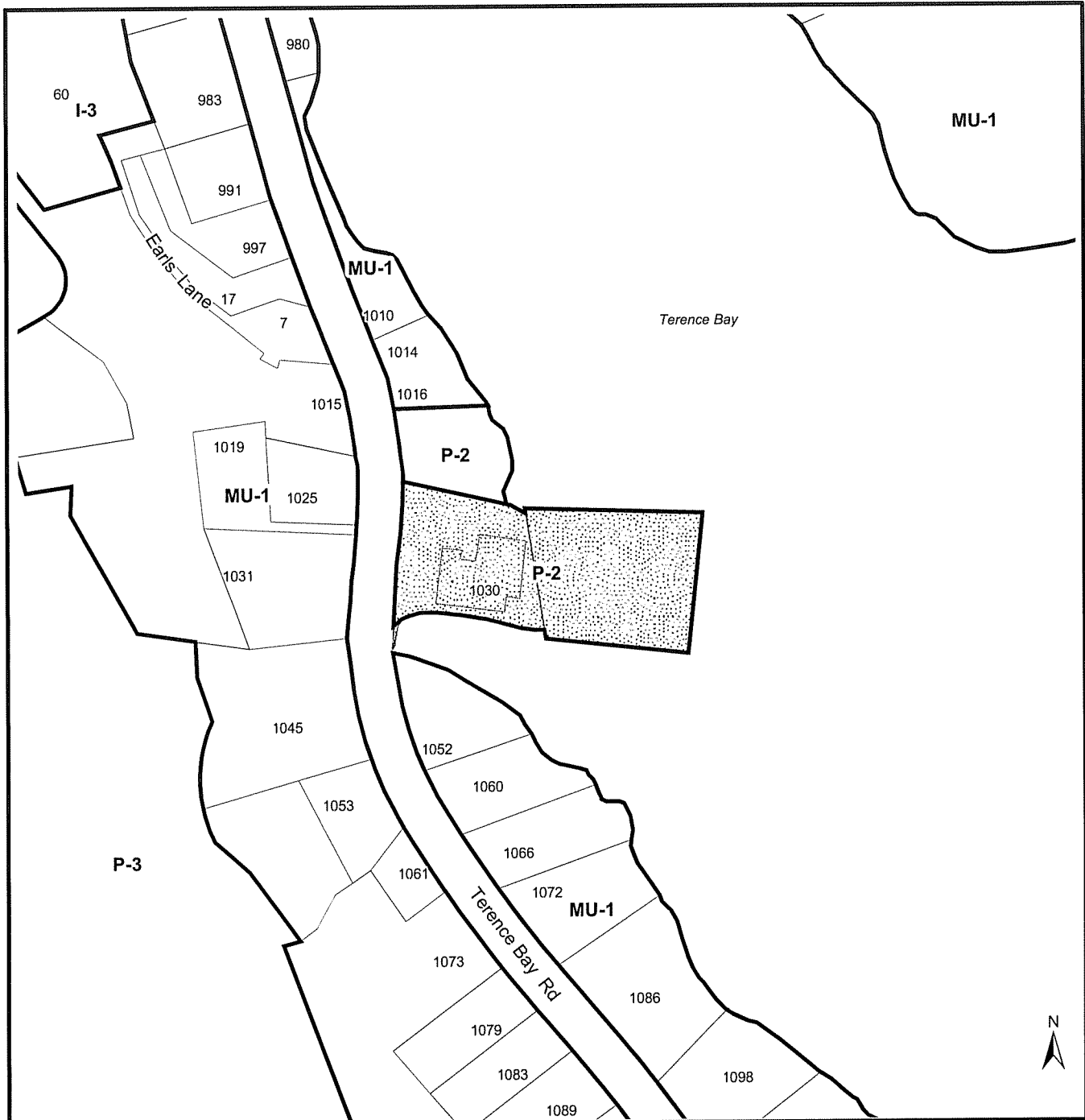
**ATTACHMENTS**

Map 1	Location and Zoning Map
Attachment "A"	Excerpts from the MPS for Planning District 4
Attachment "B"	Condition survey report submitted to Development Services

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:   
Luc Ouellet, Planner 1, 490-3689

Report Approved by:   
Paul Dunphy, Director of Planning & Development Services



Map 1: Location and Zoning

1030 Terence Bay Road  
Terence Bay

 Subject property

Planning District 4 (Prospect) Plan Area

**Zone**

- MU-1 Mixed Use 1
- I-3 Local Service
- P-2 Community Facility
- P-3 Conservation

**HALIFAX**  
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PLANNING AND  
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 4 (Prospect) Plan Area.

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

Attachment "A"

Excerpts from the Municipal Planning Strategy for Planning District 4 (Prospect):

Subsequent to the adoption of this Municipal Planning Strategy in 1995, the fish plant of Northland Fisheries was closed due to imposition of the inshore fishing moratorium, resulting in a loss of employment opportunities within the Terence Bay community. The fish plant was then purchased by Coastal Communities Economic Development Co-operative Limited, an organization comprised of local community and business groups, which has a mandate of creating sustainable economic and employment opportunities throughout the area.

A tourism strategy undertaken for the St. Margaret's Bay Area identified Terence Bay as a high priority opportunity for enhanced attractions and activities<sup>1</sup>. Among the projects identified to achieve this objective was development of the abandoned fish plant property.

After holding community consultations, a two phased approach for this project was developed. Initially, the existing building would be renovated with provisions made for a range of commercial and community related projects. Any further expansion in the form of additions to the existing building or construction of new permanent buildings, however, would require further community consultation and Council approval.

MU-6a Notwithstanding Policy MU-2, within the Mixed Use Designation, Council shall consider commercial, community and resource related uses which are supportive of the tourist industry and the surrounding community on the former Northland Fisheries property (LIMS Nos. 384834 and 40501124) according to the development agreement provisions of the Municipal Government Act. When deciding whether to enter into an agreement, consideration shall be given to the following matters:

- a) that the proposed uses will not have any unreasonable adverse impact upon nearby residential or community facility land uses by virtue of noise, traffic generation, and visual intrusion;
- b) that the existing building is not removed from the property, and no additions to the existing building are made other than decks, awnings and canopies, a cupola, and any alterations or expansions which may be required for service requirements or in order to comply with the National Building Code;
- c) that no new buildings are constructed on the property, other than kiosks, gazebos, or small accessory buildings, none of which are located within any required parking, driveway, or loading area, nor shall any of the small accessory buildings be located within any area designated for open space purposes;

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1 The Economic Planning Group of Canada in association with Impact Management Services. A Tourism Strategy for St. Margaret's Bay (Final Report). December 1998.

- d) that a minimum of 5.5 parking spaces are provided for every 1,000 square feet of leasable floor area within the existing building, a minimum of 3 parking spaces are provided for the mobility disabled, and a minimum of 2 parking spaces and 1 drop-off area are provided for buses;
- e) that no more than one ground sign is erected on the property which shall not exceed a height of 25 feet, and shall not exceed 50 square feet of sign area on a single face or 100 square feet of sign area for both faces combined. On the ground sign, an additional 20 square feet of sign area on a single face shall be permitted for read-o-graph purposes only, or 40 square feet of sign area for both faces combined for read-o-graph purposes only. That all signage otherwise conforms with the requirements of Part 5 of the Land Use By-Law for District 4, and that any display areas are set back a minimum of 10 feet from the street line;
- f) that any area devoted to refuse storage is enclosed by an effective visual screen so as not to be visible from the highway and from adjacent properties;
- g) that any open space is attractively landscaped;
- h) the requirements for any applicable provincial or federal approvals; and
- i) the provisions of Policy IM-11.

MU-6b Council may consider expansion of the existing building or new permanent buildings on the property for further commercial, community and resource related uses according to the development agreement provisions of the Municipal Government Act. When deciding whether to approve an amending development agreement, consideration shall be given to the following matters:

- a) that the uses established under Policy MU-6a have not had any unreasonable adverse impact upon nearby residential or community facility land uses by virtue of noise, traffic generation, and visual intrusion and that the proposed expansion will not have unreasonable adverse impact by virtue of noise and/or uses intended;
- b) that the height and architectural design (external appearance) of all new buildings and structures are compatible with the existing development and sympathetic to nearby land uses;
- c) that adequate separation distances are maintained from low density residential developments and that landscaping or other architectural measures are provided to reduce the visual effects of the intended development;

- d) the impact of the proposed use on the existing road network in terms of traffic generation, access to and egress from the site, and parking;
- e) that adequate parking is provided according to the requirements contained in Part 4 of the Land Use By-Law for Planning District 4;
- f) that open space and parking areas are adequate and attractively landscaped;
- g) that any area devoted to refuse storage is enclosed by an effective visual screen so as not to be visible from the highway and from adjacent properties;
- h) that no more than one ground sign is erected on the property which shall not exceed a height of 25 feet, and shall not exceed 50 square feet of sign area on a single face or 100 square feet of sign area for both faces combined. On the ground sign, an additional 20 square feet of sign area on a single face shall be permitted for read-o-graph purposes only, or 40 square feet of sign area for both faces combined for read-o-graph purposes only. That all signage otherwise conforms with the requirements of Part 5 of the Land Use By-Law for District 4, and that any display areas are set back a minimum of 10 feet from the street line;
- i) the requirements for any applicable provincial or federal approvals; and
- j) the provisions of Policy IM-11. (RC-May 22, 2001/E-June 23, 2001)



Appendix "B"

**Coastal Communities Economic  
Development Co-Operative Limited Building**  
Terence Bay, NS

**CONDITION SURVEY**

Prepared for

Mr. John C Tupper, General Manager  
**Coastal Communities Economic Development Co-operative Limited**  
1030 Terence Bay Road  
Terence Bay, N. S.  
B3T 1X4

Prepared by

**BMR Structural Engineering**

5413 Doyle Street  
Halifax, NS  
B3J 1H9

August, 2004

## **INTRODUCTION**

A visual condition survey was performed of the former fish plant building located at 1030 Terence Bay Road. The survey was conducted to review the condition of the structure and document any concerns with the building. The exterior and interior of the building were inspected by the undersigned on May 10, 2004, and again on August 2, 2004.

This report is based on visual inspection only. There were some existing openings in the interior finishes, however no additional openings were cut through interior or exterior finishes in order to gain access to concealed elements. Therefore this report is limited in its scope and accuracy.

## **GENERAL OBSERVATIONS**

### Building Structure

The building is a 1-2 storey structure built in several different sections, with various additions to the original structure. It is estimated that the original building was built in the early 1950's. In one area the existing roof was converted to a floor to create a second storey. The roof construction is mainly wood beams and joists supported on wood posts and load bearing walls. The main floor construction is wood joists supported on steel beams and wood load bearing walls. The steel beams are supported on steel columns, jack posts and wood stud walls.

There are load bearing walls and supports which have been moved or removed in many locations (see Photos 1 and 2). There are support posts for roof framing which bear on floor framing below which would not have been designed to carry such a load. There are framing members and support posts missing in several locations. There are framing members that would not meet the requirements of the 1995 National Building Code of Canada. There are support members that are deteriorated due to rusting, rotting and moisture damage which need to be replaced. In several areas of the building the wood joists and wood load bearing members have suffered water damage and would need to be replaced.

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There is water within the floor and roof systems in several areas keeping the wood framing wet. In one area, a section of plywood ceiling and florescent lights has collapsed, likely due to the weight of water within the ceiling, and the damage it has caused over time. There is the risk of additional ceiling collapse in the same area. Steps should be taken to ensure the safety of people using this area. In another area, steel support beams bear on wood posts that are rotted (See Photo 3).

#### Interior Finishes

The interior finishes consist mostly of painted wood, plywood, and some drywall. All of the interior wall, ceiling and floor finishes need to be removed and replaced. Most of the finishes are deteriorated and/or mouldy from the decades the building was used as a fish plant, while other areas suffered water damage more recently, as a result of Hurricane Juan (see Photo 4). Removal of the finishes will expose all of the structural elements which need to be assessed to determine what areas of walls, floors and roof need to be replaced and/or reinforced.

#### Exterior

The exterior cladding is in fair condition. It was repainted in 2003. The cladding of the former ice tower was severely damaged in Hurricane Juan (see Photo 5).

The roof is in very poor condition and needs to be replaced. Some of the roof was blown off during Hurricane Juan (see Photo 6). The remainder of the roof is damaged, deteriorated, leaking and/or covered with moss. The roof of the former ice tower was lost in the hurricane.

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**SUMMARY**

The existing structure is in very poor condition. There is condensation on the ceilings and standing water on the floor in most areas of the building. There are structural inadequacies due to changes in usage, damage and deterioration of materials, removal of support members and changes to code requirements. The roof of the entire building needs to be replaced, as do all of the interior finishes.

Plans were developed in 2000 to renovate the existing structure. They involved removing the existing finishes, addressing the structural issues, and providing new finishes and services in the building. Since that time the building condition has deteriorated significantly, mainly from the damage caused by Hurricane Juan. The structural wood framing in the walls, floors and ceilings in several areas of the building needs to be removed due to moisture damage, mould and rot. Water has likely caused damages to other services in the building, such as the electrical fixtures.

Considering the amount of material that needs to be removed, and the repairs and reinforcing that would be required for the parts of the structure that would remain, renovation would likely be not economical. We recommend that the structure be demolished.

If we can be of further assistance in this or any other matters, please do not hesitate to contact the undersigned.

Respectfully submitted,

BMR Structural Engineering



Andrea Doncaster, M.A.Sc., P.Eng.

**PHOTOS**

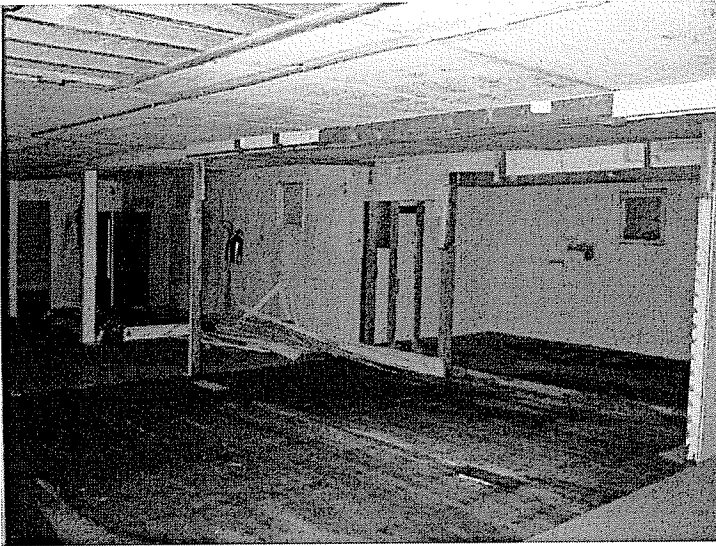


Photo 1: Missing Support Post

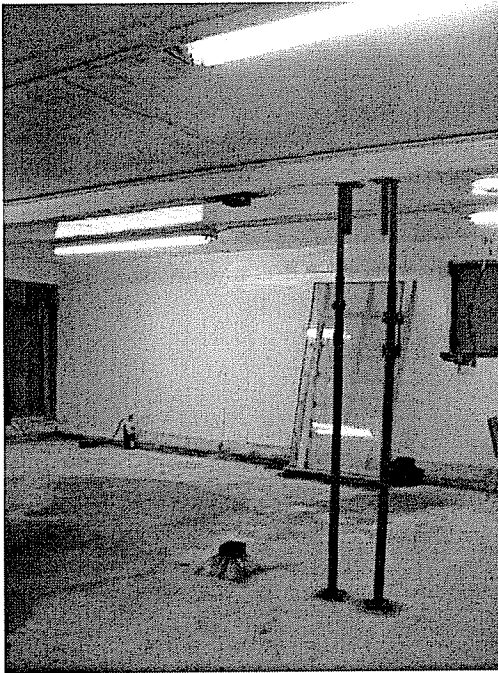


Photo 2: Temporary Support Columns

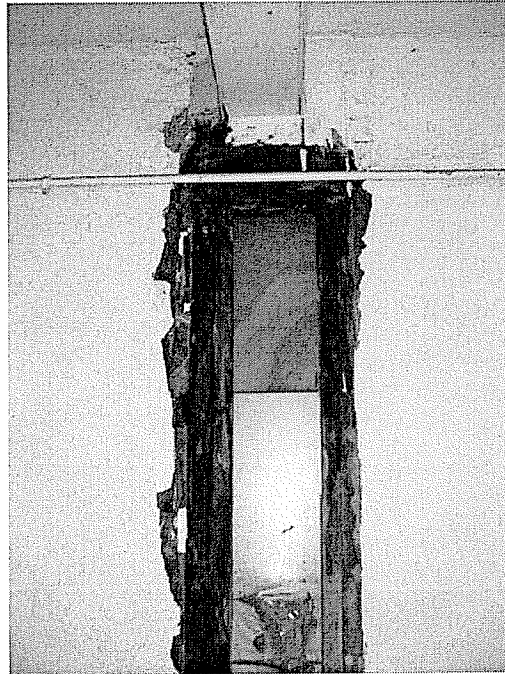


Photo 3: Deteriorated Beam Support

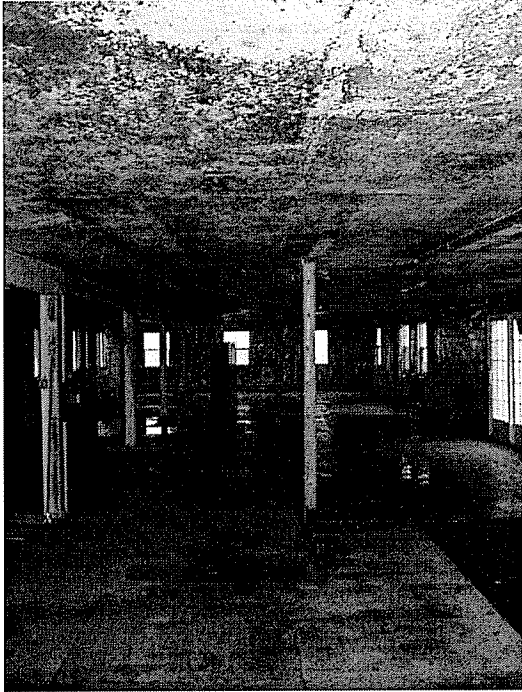


Photo 4: Mouldy Ceiling

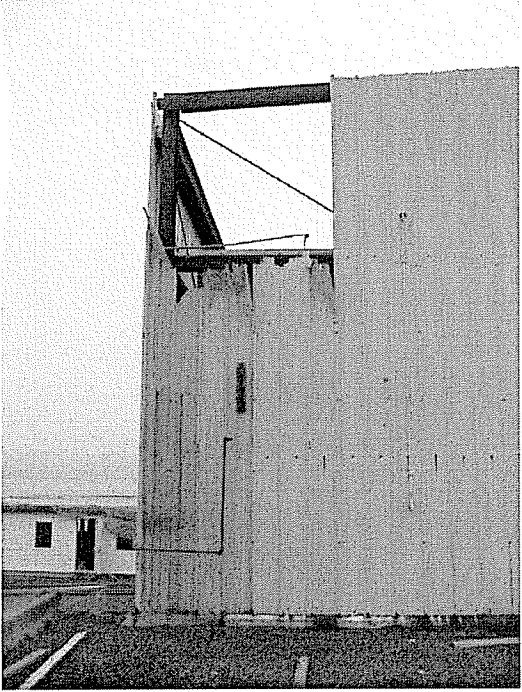


Photo 5: Former Ice Tower



Photo 6: Missing Roofing