

9.1.5

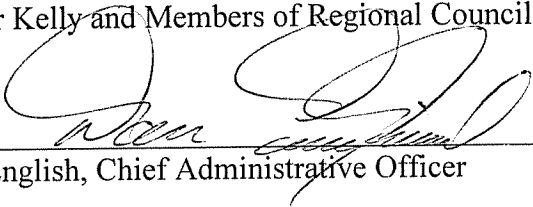


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

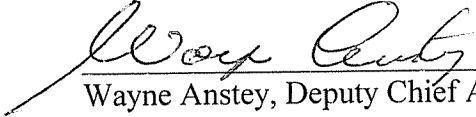
Halifax Regional Council
October 31, 2006

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: September 26, 2006

Subject: **Case 00929: Sackville MPS and LUB Amendment - PID#40608549,
Sackville Drive**

ORIGIN:

An application by Doug Miller on behalf of Kaisers Auto Body Shop Limited to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Sackville.

RECOMMENDATION:

It is recommended that Regional Council:

- Approve the request to initiate the process to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to allow Council to consider permitting auto body shops on PID#40608549;
- Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND:

Kaisers Auto Body Shop Limited is a long established business in Middle Sackville. The business currently operates out of a commercially zoned building at 15 Woody's Lane and is considered a legal non-conforming use. The property is surrounded by residential uses on Woody's Lane and Stratmore Avenue in the Lively Subdivision. The property is adjacent commercial properties fronting on Sackville Drive.

Kaiser's Auto Body would like to modernize their facility which would involve either retrofitting their current facility on Woody's Lane or relocating their business to a new property. Due to the complexities of retrofitting their current property, Kaiser's wish to relocate to a new property and close their existing auto body business on Woody's Lane.

John Kaiser, owner of Kaiser's Auto Body, has worked with the Planning Division of Community Development for several years to identify potential new sites where auto body uses may be established either as-of right or through a development agreement process. In the end, Mr. Kaiser has been unable to acquire such a property.

Kaiser's Auto Body has acquired a piece of property on Sackville Drive near their current operation. The property is approximately 1.2 hectares (three acres) and has approximately 90 metres (300 feet) of road frontage on Sackville Drive. They would like to relocate their current operation on a portion of this property.

The property, located between 1702 and 1676 Sackville Drive, is currently designated Urban Residential (UR) and zoned Rural Residential (R-6) by the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The current zoning does not permit an auto body shop and the MPS does permit Council to consider other options such as a rezoning or development agreement on the subject property.

DISCUSSION:

The applicant is requesting that the Sackville MPS be amended to allow for a development agreement to permit an auto body shop on the subject site, between 1702 and 1676 Sackville Drive. The plan amendment to allow for this would require the insertion of policy in the MPS and LUB which permits Council to consider an auto body shop on the subject site.

In order to recommend considering a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated.

Existing Policy: In reviewing the current Sackville MPS, the only location which permits Auto Body Shops through the current zoning are lands zoned BP (Business Park) or BP-1 (Business

Park 1). All these lands are located within or adjacent to the Sackville Industrial Park, approximately 9 kilometres from the proposed site.

In addition, policy does permit Council to consider development agreements for Auto Body shops within the Community Commercial designation. This designation currently is applied to a limited amount of land located on the north side of Sackville Drive between Beaver Bank Road and Millwood Drive. This designation is also applied to several smaller commercial areas surrounding Sackville but not the commercial properties in Middle Sackville.

Is there an adequate supply of lands for Auto Body Uses? Lands in and around the Business Park are suitable for development as auto body shops and are currently zoned to permit such uses. Nova Scotia Business Inc., the developer of the Sackville Business Park has indicated that at the present time there are no serviced lots available within the Park for development. Further there are no immediate plans to develop any additional land for the purpose of lot sales. Mr. Kaiser has also indicated that discussions with Annapolis Group, the owner of adjacent land, have not been successful.

Upon a general review of areas where a development agreement may be considered, it is the opinion of staff that these areas would likely be not suitable for auto body uses given the size of the properties.

Impacts of the Sackville Drive Secondary Planning Strategy: Prior to the implementation of the Sackville Drive Secondary Planning Strategy in 2002, all commercial lands between Beaver Bank Road and Cobequid Road were available for consideration of a development agreement for auto body uses. The implementation of the plan removed auto body uses from being considered in this area thus further reducing options for persons wishing to establish auto body uses.

Lack of Commercial Policy in the Middle Sackville Area: The current MPS and LUB provide many areas with commercial zoning including areas adjacent to the proposed site. The commercial zones near or adjacent the subject property lack the underlying Commercial Corridor policy contained in the MPS. As a result the commercial businesses in the Middle Sackville area are not eligible for a development agreement for auto body uses as is available elsewhere. Further there is little direction on where future commercial uses may be established.

Technological Change: Technological change has impacted the compatibility of auto body uses with surrounding uses in a positive manner. New painting facilities typically include measures which reduce dust and fumes through a scrubbing process. The end result is a facility which may be more compatible with surrounding land uses.

Is the proposed site a reasonable for an Auto Body Use? A full analysis has not been completed however staff offer the following:

- The site is immediately adjacent several automotive related commercial properties.
- The site abuts only commercially zoned land.
- The site abuts one residentially used property.
- The site was formerly zoned for commercial uses prior to 1996.

Based on these findings, it is the opinion of staff that it is reasonable to consider the subject property for auto body uses.

Conclusion

Based on a preliminary analysis of the proposal to amend the MPS and LUB to permit auto body uses on the subject property, it is the opinion of staff that there are sufficient reasons to consider the proposed change based on a lack of supply of lands for auto body uses and technological change.

Staff wish to advise that a decision to proceed with the plan amendment process does not guarantee a positive outcome to the process for the applicant.

Staff recommends that Regional Council direct staff to begin the process to consider amending the Sackville MPS and LUB to permit auto body uses on the subject site, PID#40608549.

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:

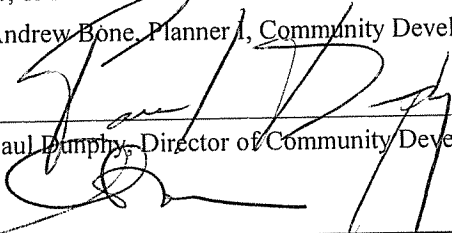
1. Approve the request to initiate a plan amendment process to amend the Sackville MPS and LUB to permit a development agreement for auto body uses at PID#40608549. This is the staff recommendation.
2. Refuse the requested amendment. A request to amend its MPS is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feels that there is merit in proceeding with amendments to the Sackville MPS.

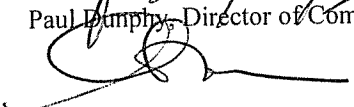
ATTACHMENTS:

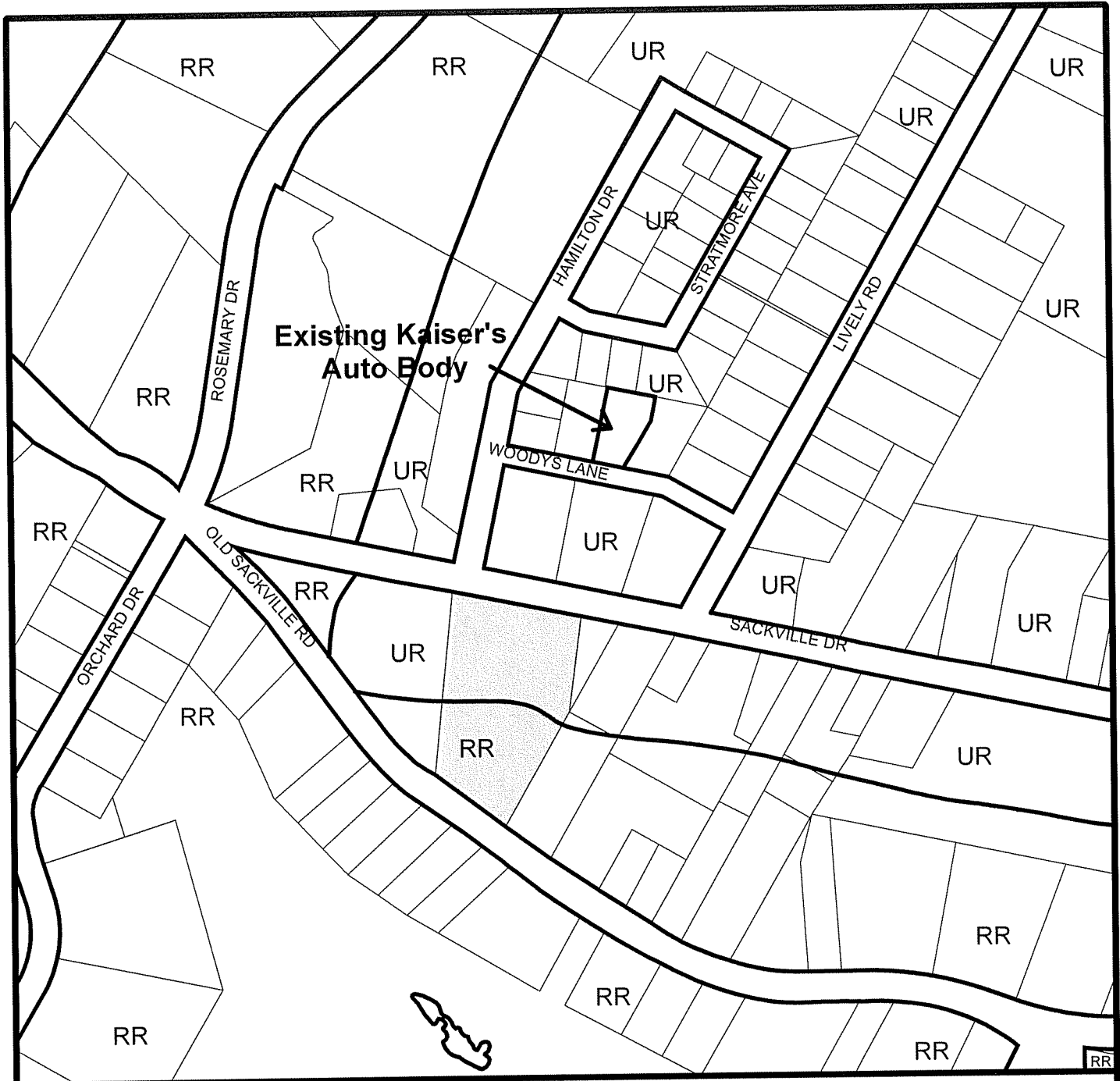
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	MPS Policy relating to Auto Body Shops
Attachment B	BP Zone Requirements
Attachment C	BP-1 Zone Requirements

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 I, Community Development, 869-4226

Report Approved by: 
Paul Dunphy, Director of Community Development

Report Reviewed by: 
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



Map 1

Generalized Future Land Use

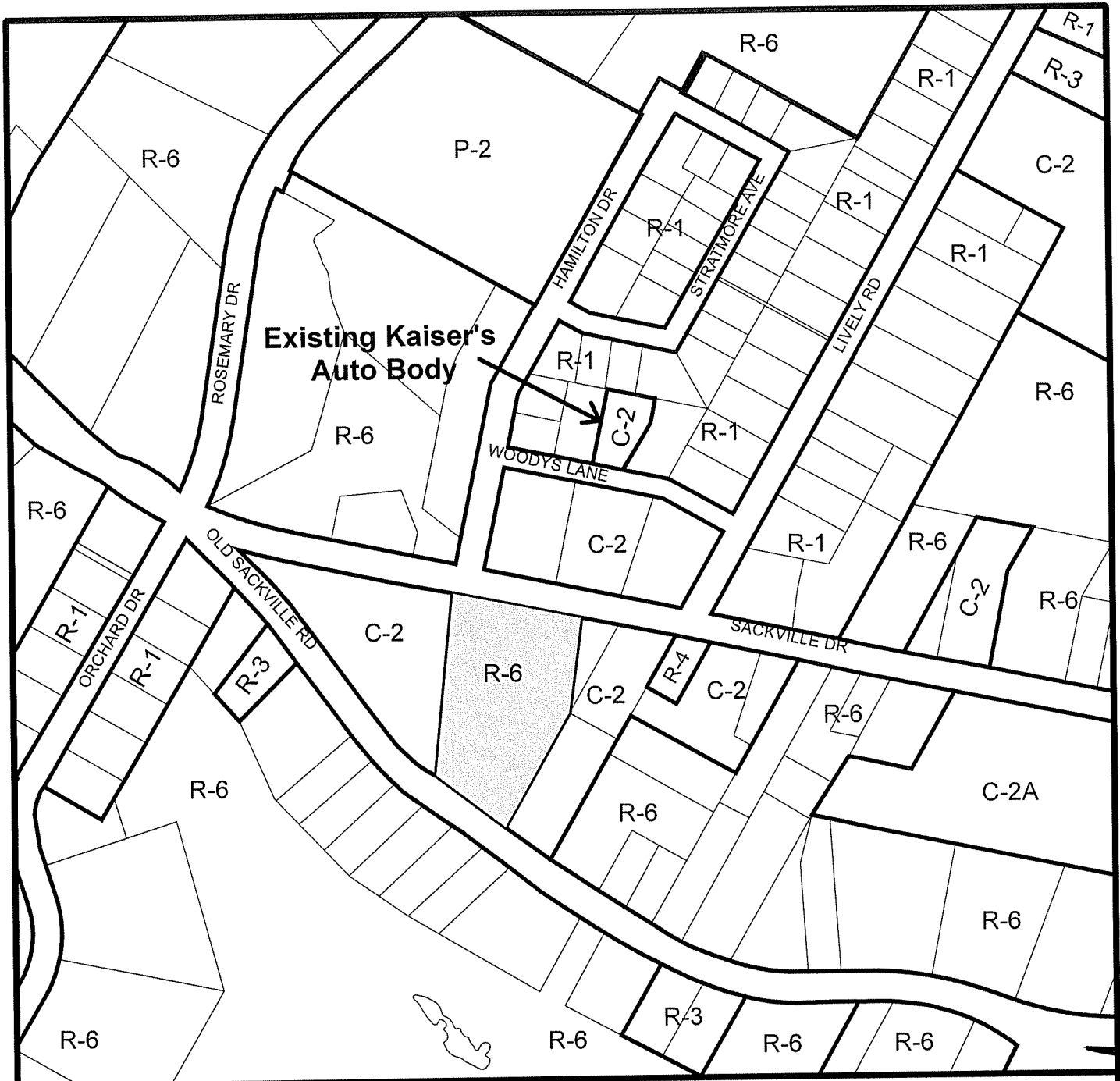


Subject Property

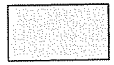
RR Urban Residential Designation

RR Rural Residential Designation





**Map 2
Zoning**



Subject Property



- R-1 Single Family Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone

- C-2 Community Commercial Zone
- C-2A Minor Commercial Zone
- P-2 Community Facility Zone



Attachment A
MPS Policy relating to Auto Body Shops

While, automotive repair outlets are permitted within the Community Commercial Zone, new auto body shops shall be excluded. New auto body shops may only be considered by development agreement because of the industrial characteristics of such operations and the public concerns to which they give rise. The development agreement mechanism provides the opportunity for a site specific evaluation of the proposed development, in order to address the impact on adjacent land uses and to establish an appropriate level of control. Existing autobody shops will be specifically permitted within the Community Commercial and Commercial Corridor zones, in recognition of the fact that such uses were established prior to adoption of the planning strategy. **(RC-May 7, 2002; Effective-June 29, 2002)**

CC-5 Notwithstanding Policy CC-2, within the **Community Commercial Designation**, Council may consider new autobody shops according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

- (a) that the height, bulk, lot coverage and appearance of any proposed structure is compatible with adjacent land uses;
- (b) that site design features, including outdoor storage areas, parking areas and driveways are adequately designed to address potential impacts on adjacent developments;
- (c) appropriate vehicular access and egress;
- (d) general maintenance of the development;
- (e) hours of operation; and
- (f) the provisions of Policy IM-13.

Attachment B
BP Zone Requirements

PART 17: BP (BUSINESS PARK) ZONE

17.1. BP (BUSINESS PARK) USES PERMITTED

No development permit shall be issued in any BP (Business Park) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and personal service shops
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Outdoor display in conjunction with permitted commercial office/retail uses (C - March 27, 1996 / E - April 20, 1996)

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels

Cinemas
Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging

Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments
Taxi and bus depots
Parking lots
Existing uses
Any commercial office/retail uses

Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Community Uses

Any use permitted in the P-1 (Open Space) Zone

17.2 BP ZONE REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

Except as otherwise provided for in this part, where uses are permitted as commercial office/retail uses, in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	10 feet (3.1 m)
Maximum Lot Coverage	50 percent

17.3 OTHER REQUIREMENTS: LIGHT INDUSTRIAL/OFFICE USES

Where light industrial/office uses are permitted in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

17.4 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

- (a) No development permit shall be issued for a commercial office/retail use in any BP Zone except in conformity with Schedule "B" of the land use by-law.
- (b) Where commercial office/retail uses are permitted in any BP Zone, the following shall apply:
 - i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected nearer to Glendale Avenue or any other street than forty (40) feet (12.2 m).
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
 - iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage **or for outdoor display areas in conjunction with permitted commercial office/retail uses, (C - March 27, 1996 / E - April 20, 1996)** shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.

- v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
- vi) No landscaping area shall be used for parking or developed in any other manner.
- vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
- viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
- ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
- x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
- (xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
- (xii) No outdoor storage shall be permitted. **(C - March 27, 1996 / E - April 20, 1996)**
- (xiii) No garbage shall be stored outside except in a permanent refuse container. Such a container shall be located in the rear yard and shall be completely, enclosed and screened from view.
- (xiv) No trailer shall be parked or placed on any lot except for loading or unloading purposes.
- (xv) **No outdoor display shall be located within any front yard or exceed fifteen (15) percent of the total lot area. (C - March 27, 1996 / E - April 20, 1996)**

17.5 OTHER REQUIREMENTS: COMMUNITY USES

Where open space uses are permitted in any BP Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

17.6 MASTER PLAN: SACKVILLE BUSINESS PARK

Notwithstanding the Master Plan: Sackville Business Park, as contained in Schedule "B" of this By-law, the Development Officer may issue a development permit for any use permitted by Section 17.1 where so authorized by the owner or an authorized agent on behalf of the owner of the Business Park. All other provisions of this By-law shall apply. (C-January 9, 1997 / E-February 4, 1997)

Attachment C
BP-1 Zone Requirements

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

No development permit shall be issued in any BP-1 (Business Park-1) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and personal service shops
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants

Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments

Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Institutional Uses

Denominational Institutional and Uses (RC-Dec 16/03;E- Jan 24/04)

Open Space Uses

Any use permitted in the P-1 (Open Space) Zone

18.2 BP-1 ZONE REQUIREMENTS

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

Maximum Lot Coverage 50 percent

18.3 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES

- (a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
- i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
 - iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
 - v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
 - vi) No landscaping area shall be used for parking or developer in any other manner.
 - vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
 - viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
 - ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
 - x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall

- be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
- xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
 - xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.