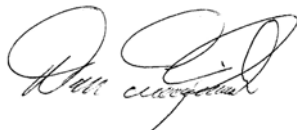


TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 10, 1007

SUBJECT: **Case 01053: Dartmouth MPS Amendment - Waverley Road Industrial Land, Dartmouth**

ORIGIN

At the May 5, 2005 meeting of Harbour East Community Council (HECC), staff were requested to initiate a process to review the land uses occurring at 194, 196, 198, and 200 Waverley Road. A staff report was prepared that outlined proposed amendments to the Dartmouth Land Use Bylaw to address compatibility issues. A public hearing was scheduled but the application was withdrawn by HECC. Staff are now investigating new approaches for the site.

RECOMMENDATION

It is recommended that Regional Council:

1. Initiate a site specific amendment process to the Dartmouth Municipal Planning Strategy (MPS) to redesignate the properties at 194, 196, 198 and 200 Waverley Road, as shown on Map "1", to Commercial and require certain uses by development agreement; and
2. Direct staff to follow the public participation program approved by Council in February 1997.

BACKGROUND

The properties located at 194, 196, 198, and 200 Waverley Road, as shown on Map “1”, are designated and zoned for industrial use and have been since the Dartmouth MPS was adopted in 1978. Within this area, a variety of businesses exist including: a gas station; car wash; day care; commercial bus repair and storage centre; plumbing shop; HRM Fleet Services station; roofing company; and a trophy business.

Within this industrial/commercial pocket, Perry Rand bus repair and storage centre, in particular, has generated compatibility issues with the residential neighbours due to bus idling that occurs at early hours. The residents who live in the surrounding neighbourhood are frustrated about the noise and the fumes produced by the buses. Business owners are frustrated that the Municipality permits these types of uses to be established, only to determine after they start operating that they are deemed obnoxious, in violation of the Land Use Bylaw. Clear guidance is needed on what uses are permitted on these lands in order to mitigate the concerns of residents without frustrating local businesses.

Harbour East Community Council requested staff to investigate means by which to address compatibility concerns in this area. Staff responded with a proposed Land Use Bylaw amendment, however, the public hearing was cancelled by HECC. Therefore, staff are now investigating amendments to plan policy to address compatibility issues. It is important to note that any new controls approved through this process would apply only to future development. As the existing Perry Rand operation and other commercial uses in the area would pre-exist the new controls, they will be permitted to continue to operate under the current regulations.

DISCUSSION

Waverley Road from Highway 111 to Montebello Drive has developed as a mixed use area, with a variety of commercial, residential and industrial uses. This mix of uses has generally resulted in minor compatibility issues, except between industrial and residential uses. At this time, staff are only focussing on the subject properties due to recent compatibility issues. The larger Waverley Road area should be evaluated as part of the Community Visioning process when it is applied within Dartmouth.

To address compatibility concerns, Staff explored three options for the site as follows:

Option 1: Re-Designate the Site and Permit Uses As-of-Right

The first option is to re-designate and rezone the site from industrial to commercial to prohibit new industrial uses from operating on the site. Further, this option would permit a variety of commercial uses, including most of the existing businesses through the application of commercial zoning. In addition to commercial uses, this option would allow for the consideration of residential uses either as-of-right or by development agreement. Option 1 would reduce the potential of land use conflicts but would not reduce or address compatibility issues with existing commercial uses due to limited land use by-law provisions.

Option 2– Permit Certain Uses by Development Agreement

Under this option, staff would identify those land uses that would be permitted as-of-right and those permitted by development agreement. By requiring certain uses to proceed by development agreement only, this option provides a greater level of control over land uses on the site than does option 1 (such as restricting the hours of operation, requirement for buffering, etc.). However, this option does not consider the appropriateness of the industrial designation and zoning on the site and the impacts such uses can have on abutting residential areas.

Option 3– Permit All Uses by Development Agreement

This option would require all uses (both commercial and industrial) to be developed by development agreement. Such an approach would ensure Council considers the compatibility of a use before approval is granted. Therefore, Option 3 would provide the highest degree of land use control on the site. However, such an approach would significantly impact the re-development potential of the site by making the development process more complex and time consuming than the current as-of-right process.

Staff is recommending a combination of Options 1 and 2. The site should be redesignated and rezoned to commercial and such uses would be permitted either as-of-right or by development agreement. This approach provides the greatest flexibility in terms of addressing compatibility issues, allowing many businesses to continue to operate as-of-right and ensuring that adequate controls are in place to reduce potential negative impacts of the more intensive uses. Rezoning properties to commercial would also allow for the consideration of residential uses on the site as well, which could be a more desirable use for this land.

BUDGET IMPLICATIONS

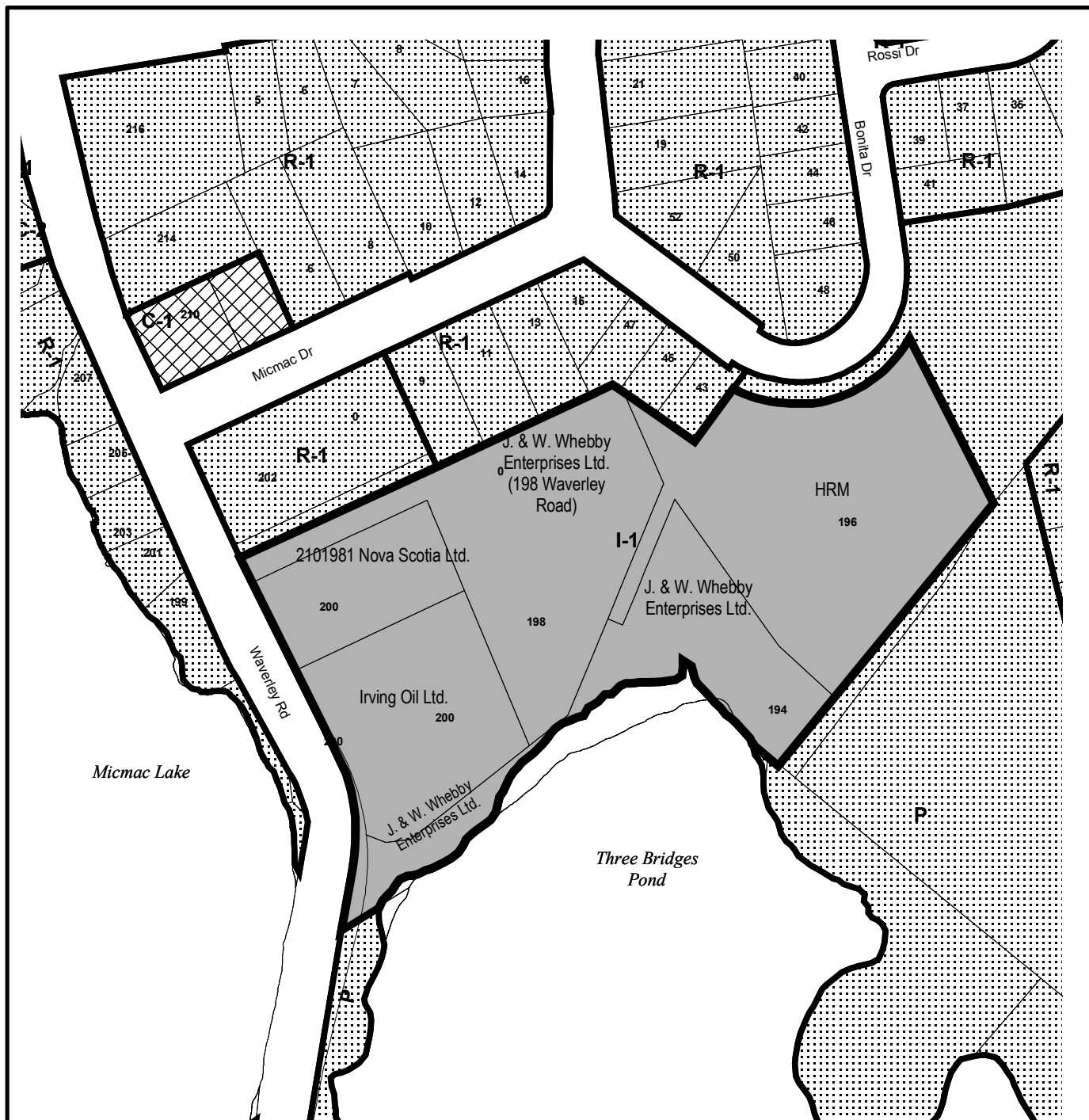
None. The costs to process this application would be covered under the C-310 operating budget.

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 initiate the process to amend the Dartmouth Municipal Planning Strategy as per Options 1 and 2. This is the recommended approach.
2. Council may initiate the process to amend the Dartmouth Municipal Planning Strategy and choose another option or combination of options for the site. This alternative is not supported for the reasons stated in this report.
3. Council may refuse to initiate the Dartmouth Municipal Planning Strategy amendment.



Map 1

Generalized Future Land Use & Zoning

Zone

- R-1 Single Family Residential Zone
- C-1 Local Business Zone
- C-2 General Business Zone
- I-1 Light Industrial Zone
- P Park Zone

Dartmouth MPS



Subject Area

Designation



Commercial



Industrial



Residential



HALIFAX
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT

50 25 0 50 100 150 200 Feet

This map is an unofficial reproduction of a portion of the Plan Map for the Dartmouth MPS area.

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