

**Item No. 9.1**  
**Halifax Regional Council**  
**March 4, 2014**  
**April 15, 2014**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Councillor Wayne Mason, Vice-Chair, Halifax & West Community Council

**DATE:** February 21, 2014

**SUBJECT:** Case 17491: MPS Amendments and Development Agreement for 2894  
St. Margarets Bay Road, Timberlea

**ORIGIN**

- Application by Bay Self-Storage Inc.
- October 2, 2012 Regional Council Initiation of MPS amendment process
- Halifax and West Community Council meeting February 18, 2014 Item No. 10.1.2

**LEGISLATIVE AUTHORITY**

- Halifax Regional Municipality Charter, Part VIII, Planning & Development
- HRM Charter, Part 1, Clause 25(c) — “The powers and duties of a Community Council include making recommendation to Council respecting appropriate by-laws, regulations, controls and development standards for the community;

**RECOMMENDATION**

It is recommended by Halifax and West Community Council that Halifax Regional Council move notice of motion and schedule a Joint Public Hearing with Halifax and West Community Council to amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) to allow for the consideration of the proposed development agreement as outlined in the staff report dated February 3, 2014.

## **BACKGROUND**

In 2012, Bay Self-Storage submitted a planning application to amend Municipal Planning Strategy policy to authorize the expansion a one acre outdoor commercial vehicle storage area to store large vehicles on lands adjacent to their self-storage business. Subject to receiving amendments to the Planning Policy, Bay Self-Storage Inc. is also requesting amendments to their existing development agreement to authorize a new commercial vehicle storage area.

## **DISCUSSION**

In a report dated February 3, 2014 staff recommended that the Timberlea/Lakeside/ Beechville Municipal Planning Strategy and Land Use By-law not be amended to accommodate the proposed development agreement. Halifax and West Community Council having reviewed this report on February 18, 2014 defeated this recommendation. Instead, Halifax and West Community Council opted for Alternative # 2 as outlined in the February 3, 2014 staff report.

## **FINANCIAL IMPLICATIONS**

As outlined in the staff report dated February 3, 2014.

## **COMMUNITY ENGAGEMENT**

All meetings of Halifax and West Community Council are open to the public. Agendas and Reports are posted online in advance of meetings.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the staff report dated February 3, 2014

## **ALTERNATIVES**

No alternatives were discussed by Halifax and West Community Council.

## **ATTACHMENTS**

- 1. Staff report dated February 3, 2014.**

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:           Liam MacSween, Legislative Assistant, 490-6521

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## Attachment 1

Halifax and West Community Council  
February 18, 2014

**TO:** Chair and Members of Halifax and West Community Council  
Original Signed

**SUBMITTED BY:** Brad Anguish, Director of Community and Recreation Services

**DATE:** February 3, 2014

**SUBJECT:** Case 17491: MPS Amendments and Development Agreement for 2894  
St. Margarets Bay Road, Timberlea

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### ORIGIN

- Application by Bay Self-Storage Inc.
- October 2, 2012 Regional Council Initiation of MPS amendment process

### LEGISLATIVE AUTHORITY

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

### RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Halifax Regional Council not amend the Timberlea /Lakeside/Beechville Municipal Planning Strategy and Land Use By-law to enable the expansion of the Bay Self-Storage facility located at 2894 St. Margarets Bay Road, Timberlea, as per this report.

## **EXECUTIVE SUMMARY**

In August 2005, Regional Council approved amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Timberlea/Lakeside/Beechville to permit Bay Self-Storage Inc. to intensify their self-storage facility located at 2892/2894 St. Margarets Bay Road in Timberlea. The self storage business is located on lands designated Residential and zoned C-3 (Service Business) (Maps 1 and 2).

In 2011, through a land use compliance process, staff learned that Bay Self-Storage developed a 1 acre outdoor commercial vehicle storage area to store large vehicles on lands adjacent to their self storage business. These lands are owned by Bay Self-Storage, zoned R-1 (Single Unit Dwelling) Zone (Map 2), and are not part of their current development agreement (Map 3). The outdoor commercial vehicle storage area (Schedule D - New Commercial Vehicle Storage Area (CVSA)) is not permitted under the existing R-1 (Single Unit Dwelling) Zone, nor is there an option to consider the use under existing Plan policy.

In 2012, Bay Self-Storage submitted a planning application to amend MPS policy to authorize the expansion. Subject to receiving amendments to Plan policy, Bay Self-Storage Inc. is also requesting amendments to their existing development agreement to authorize a new commercial vehicle storage area (Schedule D).

Staff does not recommend that Regional Council approve the requested amendments as providing authority to expand commercial operations into the adjacent residential zone would violate the integrity of that zone intended to be preserved for residential use. In addition, since there is no mechanism to rezone the R-1 lands to C-3; such a change would create a different set of conditions on how existing commercial properties are intended to be treated in the Urban Residential Designation of the Plan area. Accordingly, staff does not support the proposed amendments as such a change would not be consistent with the intent of the Timberlea/Lakeside/Beechville Municipal Planning Strategy.

## **BACKGROUND**

Bay Self-Storage Inc. is operating a self-storage facility located at 2892/2894 St. Margarets Bay Road, Timberlea, that is located in an Urban Residential Designation of the Timberlea/Lakeside/Beechville (TLB) Municipal Planning Strategy (MPS) (Map 1). In August 2005, Regional Council approved amendments to the MPS and Land Use By-law for the self-storage business (Map 2). These amendments established site-specific policies that enabled the existing self-storage facility to intensify their operations by development agreement (Case 00589) on their C-3 (Service Business) zoned lands (Map 2). The DA enabled the construction of seven new storage buildings. In 2006, Bay Self-Storage Inc. acquired lands that lay adjacent to their self-storage operations. These lands are zoned R-1 (Single Unit Dwelling) and are not included within the approved development agreement (Map 2).

In 2011, the owners of Bay Self-Storage constructed a one acre outdoor commercial vehicle storage area (CVSA) over the portion of their lands which is zoned R-1 and adjacent to their self-storage site. The CVSA has been created to allow for the open-air and unenclosed storage of

large vehicles and trailers. The CVSA is not permitted through the existing development agreement (Map 3, Schedule D). Further, the CVSA is not permitted under the existing R-1 (Single Unit Dwelling) Zone nor is there an option to consider the use under existing Plan policy.

In 2012, Bay Self-Storage consolidated the residential lands that contained the CVSA (approximately 4.84 acres) with their existing 4 acre commercial parcel (approximately 4 acres) containing the self-storage business. The consolidation created a single parcel with two zones, C-3 and R-1 (Map 2).

### Land Use Compliance

In 2011, staff became aware of the unauthorized expansion to the Bay Self-Storage operation for the storage of vehicles and trailers on lands outside the boundaries of their agreement for (Map 3). After being advised of this unauthorized expansion by Municipal Compliance staff, Bay Self-Storage removed and relocated the vehicles, and then submitted a planning application to authorize the expansion.

### Location, Designation, Zoning and Surrounding Land Use:

<b>Subject Property</b>	2894 St. Margarets Bay Road, Timberlea (PID No. 40305369)
<b>Location</b>	On the south side of St. Margarets Bay Road, bordering residential uses to the north and east, and a trail corridor to the south (Map 1).
<b>Lot Area</b>	8.84 acres (3.57 hectares)
<b>Designation</b>	Urban Residential under the MPS (Map 1)
<b>Zoning</b>	The property consists of two different zones under the LUB (Map 2): <ul style="list-style-type: none"> <li>• the C-3 (Service Business) Zone to the east, which houses the existing operation; and</li> <li>• the R-1 (Single Unit Dwelling) Zone to the west, which is the area where the expansion is being requested to be legalized.</li> </ul>
<b>Surrounding Uses</b>	Various residential uses that are developed with a mix of single and two unit dwellings located to the north and east (Map 2).
<b>Current Use(s)</b>	<ul style="list-style-type: none"> <li>• Self-storage buildings are located on the eastern portion of the subject property,</li> <li>• A vacated <u>unutilized</u> commercial vehicle storage area mid-site (in accordance with HRM Compliance); and</li> <li>• remaining property is vacant and partially forested (Map 3).</li> </ul>

### Proposal & Requested Amendments

Bay Self-Storage Inc. has submitted this application to amend MPS policy to enable consideration of an expansion of their existing self-storage facility beyond the provisions of their current development agreement. The expansion area is to be situated on previously undeveloped lands zoned and designated for residential development (Map 3). In order for Council to consider the proposed expansion of the self-storage business to authorize the outdoor vehicle

storage area, an amendment to the MPS, LUB and their existing DA are required (Attachments A, B and C). In 2012, staff recommended that Council not initiate the MPS amendment request on the basis that circumstances had not changed sufficiently to warrant such a change in Plan policy. Staff's position was that the enabling of the proposed commercial use (the CVSA) within the existing residential zone was a significant departure from how the MPS treated other established commercial uses in the R-1 Zone of the Plan area. On October 2, 2012, Regional Council decided to initiate the MPS amendment process.

### **Enabling Policy**

The subject property is located within the Urban Residential Designation, which constitutes the priority area for continuing residential development in the community of Timberlea (Policy UR-1). This is implemented through LUB provisions, mainly through the application of the R-1 Zone. However, the Urban Residential Designation recognizes that there were various existing commercial and industrial uses within the designation when the Plan was adopted in 1992. To address this, Council adopted Policy UR-20 to provide for the continued use of these existing commercial and industrial properties through the application of a commercial service business (C-3) zone which permits service commercial uses of up to five thousand (5,000) square feet in gross floor area (GFA). It should be noted that Policy UR-20 does not allow for future rezonings to the C-3 Zone within the Urban Residential Designation. However, Policy UR-22 enables the expansion of these existing commercial uses, by development agreement, to a maximum of 6,500 square feet on their existing properties (Attachment C).

In 2005, Bay Self-Storage requested and received site-specific amendments to Policies UR-20 and UR-22 to enable the expansion of the maximum GFA of their operation from 5,000 square feet to 41,500 square feet. Following the approval of the MPS Amendments, Western Region Community Council approved a development agreement allowing the expansion. The amendments and development agreement were specific to the two parcels of land that were used commercially by the applicant when the Plan was adopted but did not include residential zoned lands.

### **Land Use Provisions**

Self-storage facilities are not permitted as-of-right under the R-1 Zone or under any residential zone in the LUB. Such facilities are only permitted in the C-3 Zone to a maximum gross floor area of 5,000 square feet. Attachment C of this report lists uses permitted in the R-1 and C-3 Zones which are generally as follows:

<b>R-1 Zone</b>	<b>C-3 Zone</b>
Single unit dwellings	Retail And Food Stores
Existing mobile home parks	Service And Personal Service Shops
Day care facilities	Offices
Business uses in conjunction with a dwelling	Banks And Financial Institutions
Open space uses	Self-Storage Facilities
Institutional uses	Plumbing, heating, electrical, carpentry and other special trade contracting services and shops,

## **DISCUSSION**

Amendments to MPSs should only be considered where circumstances related to existing policies have changed significantly. The intent of the Urban Residential Designation is to preserve and maintain the residential environment of the Plan Area. The designation is also intended to minimize and resolve land use conflicts by designating areas for residential purposes and by not permitting additional commercial or industrial uses within these areas.

Since the adoption of the MPS, residential development has continued to occur within the Urban Residential designation. The rationale behind the 2005 MPS amendments was based upon the increased demand for self-storage facilities as a result of growing residential development in the Timberlea area. At that time, staff recommended approval of a 6 fold increase in the gross floor area for the facility to meet the demand for storage space. However, the intensification was limited to the lands zoned C-3 based on the existing commercial use. This is recognized and supported by the MPS.

However, Policy UR-20 prohibits applying the C-3 Zone to any additional lands in order to reduce conflicts between new commercial lands and residential development. Further, there is no policy support to enable the commercial use within the R-1 Zone or to rezone the lands from R-1 to C-3. The absence of both of these mechanisms leads staff to consider that commercial uses in the Residential Designation are intended to be recognized but restricted within the residential community to retain the integrity of the residentially zoned lands. It is staff's position that providing authority to expand commercial operations into the residential zone would violate the integrity of that zone intended to be preserved for residential use. In addition, since there is no mechanism to rezone the R-1 lands to C3, such a change would create a different set of conditions on how existing commercial properties are intended to be treated in the Residential Designation of the Plan area. Accordingly, staff does not support the proposed amendments as such change is not consistent with the intent of the MPS.

### **Unauthorized Commercial Vehicle Storage Area**

The new Outdoor Commercial Vehicle Storage area on the R-1 zoned lands is to be located within a large gravelled parking area intended to provide long and short term storage for commercial and recreational vehicles that include tractor trailers, RV's, travel trailers, boats, etc. This area has been contained by an eight foot high security fence with on-site lighting.

In support of the proposal, the applicant has submitted technical documentation relative to the environmental conditions of the subject property. The documentation revealed no evidence of environmental contamination at the subject property. It also contained a report from Nova Scotia Environment (NSE) indicating that wetlands were observed on the southeast corner of the property and that they should not be impacted or altered in any way. Correspondence with the Nova Scotia Department of the Environment indicates that a concern remains with respect to the future development of wetlands in the area. A traffic impact statement has been prepared for the subject property. No noticeable impacts to traffic on St. Margaret's Bay Road are anticipated as a result of the CVSA.

**Alternatives**

In accordance with Alternative #2, Regional Council may choose to approve the attached amendments to MPS policy and the LUB (Attachments A and B). These amendments would permit the new CVSA within the Residential designation on a site-specific basis. If Council should choose this alternative, staff would refer to requirements set out in Policy IM-12(vi) relative to the proposed means of handling storm water and general drainage within and from the subject property. Issues of storm water management are of primary concern in this instance, particularly as it relates to the inadvertent release of motor vehicle fluids onto the site.

Accordingly, staff recommends that in the event that Regional Council approves the expansion for the purpose of authorizing the Outdoor Commercial Vehicle Storage Area that a Storm Water Management Plan, subject to the approval of the Municipality's Development Engineer, be included within in the Development Agreement as shown in Attachment C.

**Conclusion**

The current proposal by Bay Self-Storage is significantly different from their 2005 application for an increase in gross floor area for the storage facility. In the 2005 proposal, Council authorized the intensification through the construction of additional buildings on an existing lot that was already zoned for a commercial use. However, the current proposal is essentially an expansion of an existing commercial use onto undeveloped lands zoned R-1 and designated by the Plan for residential development. The MPS does not support the approach of expanding commercial zoning across adjacent residential lands within the Urban Residential Designation. Further, the area that is proposed for the CVSA has never been traditionally used for commercial uses. In this light, staff recommends that Council refuse the application to expand the self-storage business to allow the CVSA as it is inconsistent with the intent of MPS policies to prohibit new commercial uses within the Urban Residential Designation.

**FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

**COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was consultation, achieved through a Public Information Meeting held on November 28, 2012 (see Attachment E for minutes). Notices of the Public Information Meeting were posted on the HRM Website, in the newspaper, and mailed to property owners in within the notification area as shown on Map 2.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Should Regional Council and Halifax and West Community Council decide to proceed with a public hearing on this application, it is



recommended that both Councils proceed with a joint public hearing. In addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed development agreement will potentially impact local residents and property owners.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns have been identified beyond those raised in this report.

### **ALTERNATIVES**

#### **Halifax and West Community Council**

1. It is recommended that Halifax and West Community Council recommend that Halifax Regional Council not amend the Timberlea /Lakeside/Beechville MPS and LUB to enable the expansion of the Bay Self-Storage facility located at 2894, St Margarets Bay Road, Timberlea as per this report. This is the staff recommendation.
2. Halifax and West Community Council may choose to recommend that Regional Council amend the Timberlea/Lakeside/Beechville MPS and LUB thereby recommending approval of the application. In taking this course of action, the Community Council would move notice of motion and recommend that a joint public hearing be scheduled to allow for the consideration of the proposed development agreement. This is not recommended for the reasons identified within this report.

#### **Regional Council**

1. Regional Council may choose not to amend the Timberlea/Lakeside/Beechville MPS and LUB thereby refusing the application. This is staff recommendation for the reasons identified within this report. A decision of Council to refuse the proposed amendments is not appealable.
2. Regional Council may choose to consider the potential amendments to the Timberlea/Lakeside/Beechville MPS and LUB. Should Regional Council choose this option, a joint public hearing would need to be scheduled to consider both the amendments and the proposed development agreement as contained in Attachments A, B & C. This is not recommended for the reasons identified within this report.


### **ATTACHMENTS**


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|-------|--|
| Map 1 | Generalized Future Land Use                                  |
| Map 2 | Location and Zoning  |
| Map 3 | Development Agreement Extent and Unauthorized Expansion Area |


Attachment A	Amendments to Timberlea/Lakeside/Beechville Municipal Planning Strategy <b>Schedule UR-20</b> - Area of Self-Storage Expansion in Urban Residential Designation
Attachment B	Amendments to Timberlea/Lakeside/Beechville Municipal Land Use By-law <b>Schedule E</b> - Area of Self-Storage Expansion in the R-1 (Single Unit Dwelling) Zone
Attachment C	Amending Development Agreement <b>Schedule D</b> - New Commercial Vehicle Storage Area
Attachment D	Excerpts from the Municipal Planning Strategy and Land Use Bylaw for Timberlea/Lakeside/Beechville
Attachment E	Minutes of Public Information Meeting

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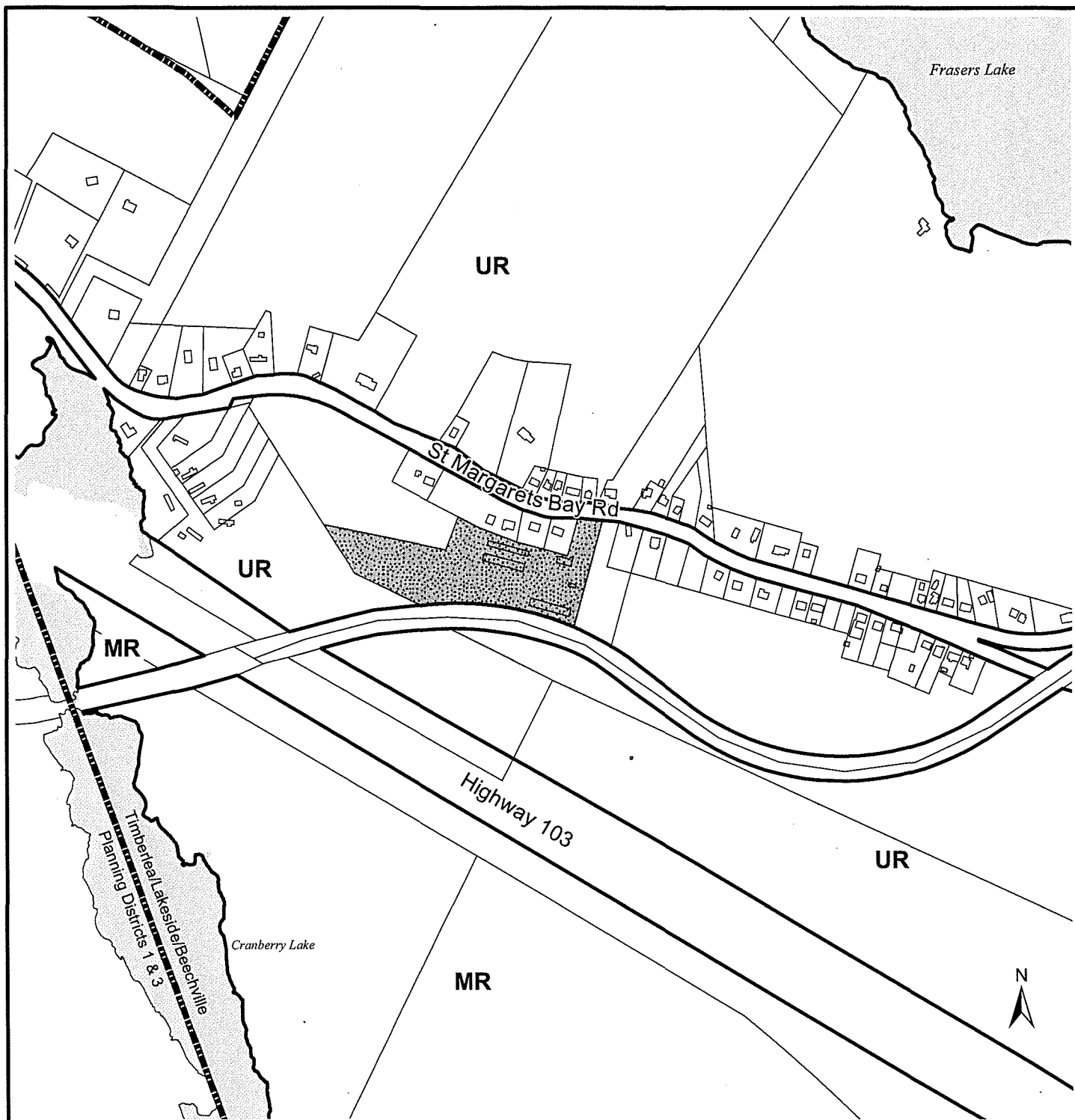
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Shayne Vipond, Senior Planner, 490-4335  
Original Signed 

Report Approved by:   
Kelly Denty, Manager, Development Approvals, 490-4800  
Original Signed


Report Approved by:   
Austin French, Manager, Planning, 490-6717

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## Map 1 - Generalized Future Land Use

2894 St. Margaret's Bay Road  
Timberlea


 Subject area

Timberlea/Lakeside/Beechville  
Plan Area

### Designation

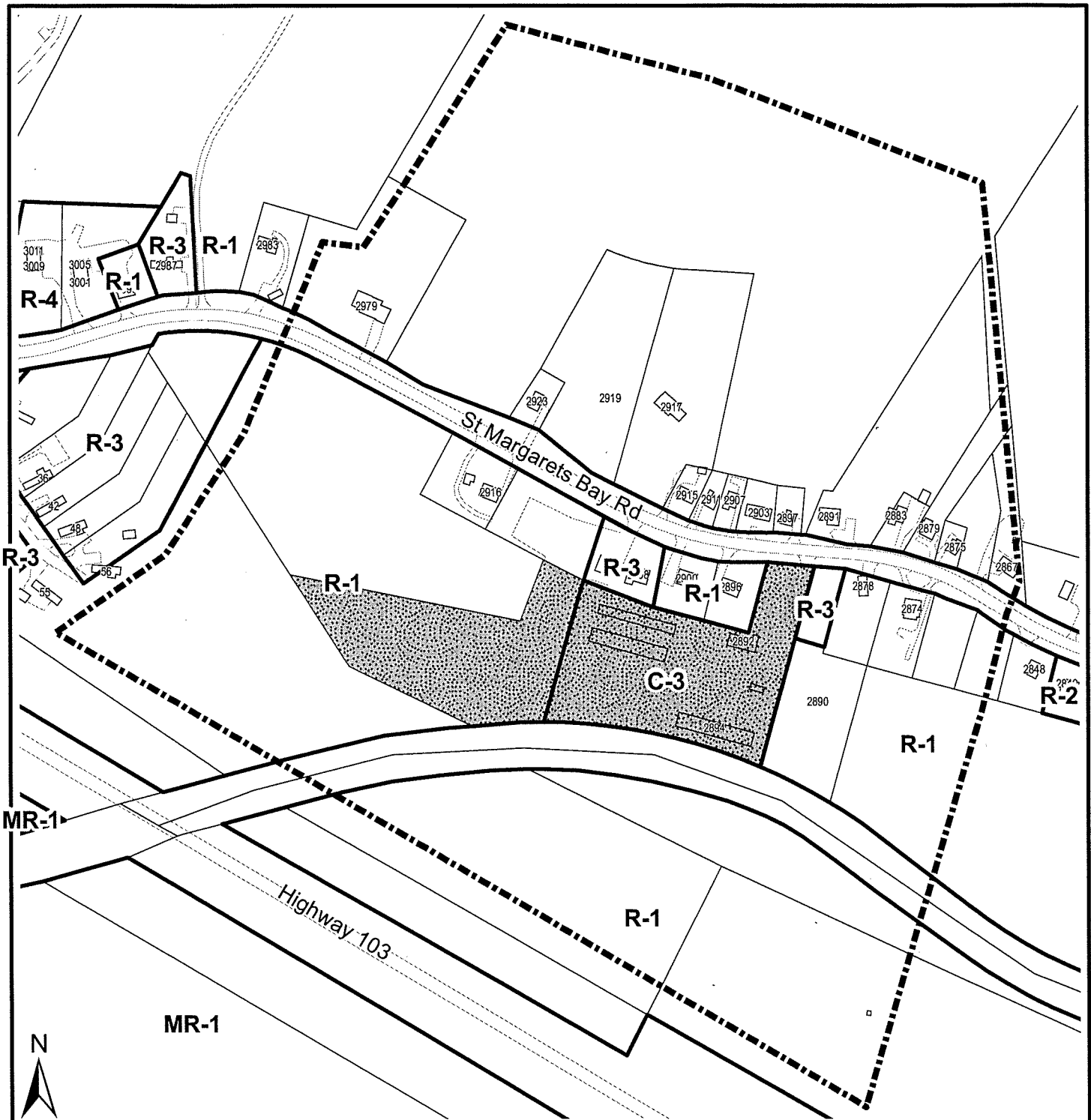
UR Urban Residential  
MR Mixed Resource

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



## Map 2 - Location and Zoning

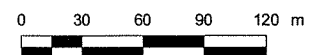
2894 St. Margaret's Bay Road  
Timberlea

-  Subject area
-  Area of notification

Timberlea/Lakeside/Beechville  
Plan Area

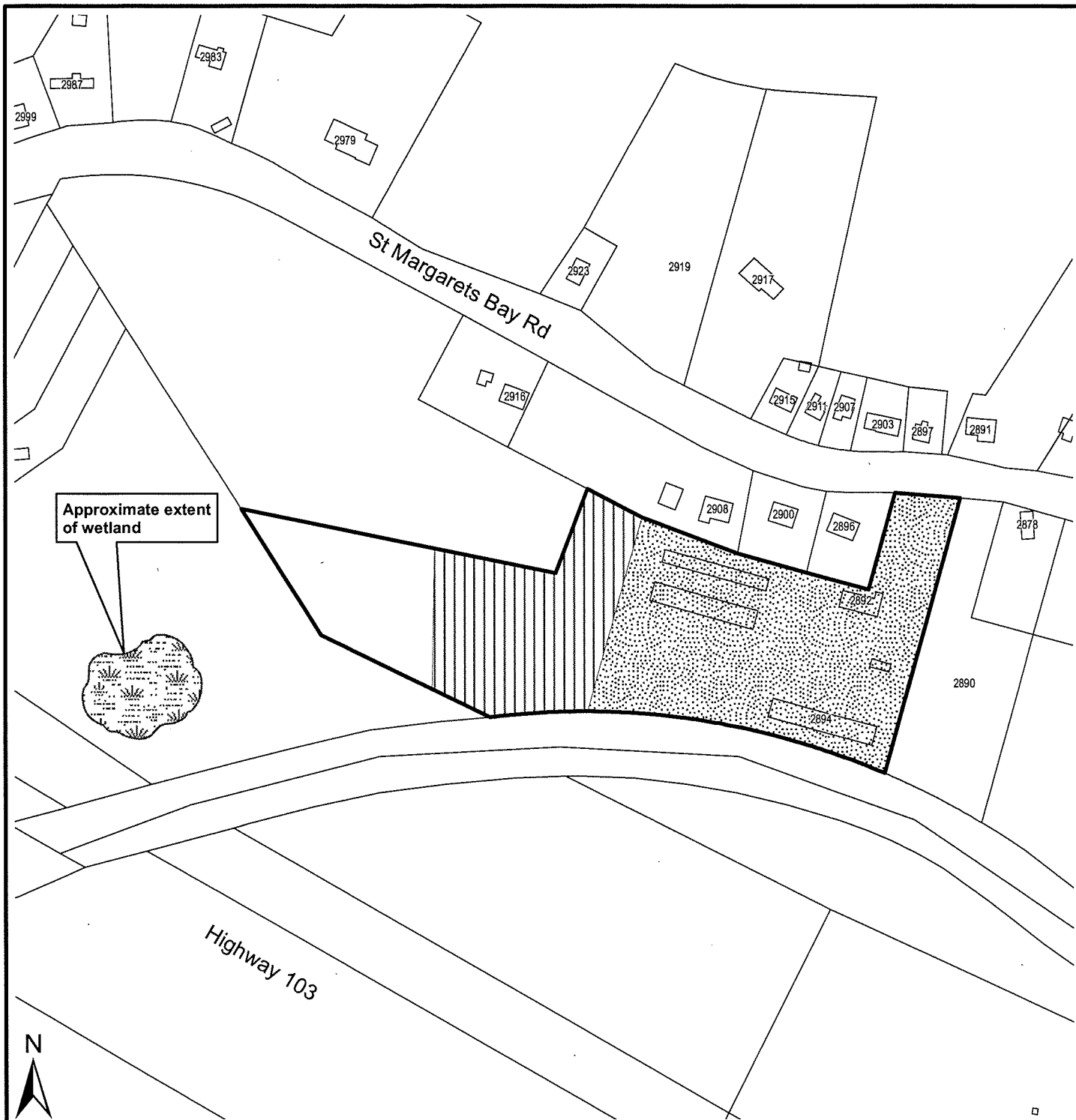
### Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multi-Unit Dwelling
- C-3 Service Business
- MR-1 Mixed Resource



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.




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



### Map 3 - Development Agreement Extent and Unauthorized Expansion

2894 St. Margaret's Bay Road  
Timberlea

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS

-  Subject property
-  Extent of existing development agreement (DA)
-  Area of unauthorized expansion in 2011



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

## **Attachment A**

### **Amendments to the Municipal Planning Strategy for Timberlea/Lakeside/Beechville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Timberlea/Lakeside/Beechville as enacted by the former Halifax County Municipality on the 10<sup>th</sup> day of August, 1994, and approved with amendments by the Minister of Municipal Affairs on the 20<sup>th</sup> day of November, 1992, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 17<sup>th</sup> day of April, 2010, is hereby further amended as follows:

1. By amending the Table of Contents to add a new section entitled “Schedules” immediately following Policy IM-10 of the MPS under the following new subsection shall be included:

“Schedule UR-20 - Area of Self Storage Expansion in Urban Residential Designation”

2. In Section III of the URBAN RESIDENTIAL DESIGNATION by deleting reference to Policy UR 20 in its entirety and replacing it with the following:

“UR-20        Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to provide for the continued use of commercial and industrial properties through the application of a service business zone which permits service commercial uses of up to five thousand (5,000) square feet in floor area. This zone shall also specifically permit existing uses, including existing buildings which presently exceed the maximum permitted floor area, but shall not permit the establishment of such uses in the future. To offer protection for adjacent uses, open storage, outdoor display, and parking areas shall be regulated. It shall not be the intention of Council to permit future rezoning to a service business zone within the Urban Residential Designation. Further, any proposed expansion of permitted service commercial uses beyond the five thousand (5,000) square foot maximum floor area permitted in the zone, may be considered according to the development agreement provisions of the Planning Act, subject to the criteria outlined in Policy UR-22.

In addition, for the properties known as 2892 and 2894 St. Margaret’s Bay Road (Land Registration Information Service PID Numbers 40054538 and 40305369), Council may permit:

- (i)        an expansion of self-storage operations to accommodate a new vehicle storage area within that portion of the lot area as shown on

“Schedule UR-20” of the MPS as the area proposed for self-storage expansion; and,

- (ii) buildings of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet.

3. By deleting reference to Policy UR 22(g) in its entirety and replacing it with the following:

“UR 22(g) that the maximum gross floor area of the proposed development, exclusive of any area devoted to an accessory dwelling unit, shall not exceed six thousand five hundred (6,500) square feet. In addition, for the properties known as 2892 and 2894 St. Margaret’s Bay Road (Land Registration Information Service (PID Numbers 40054538 and 40305369), the Municipality may permit:

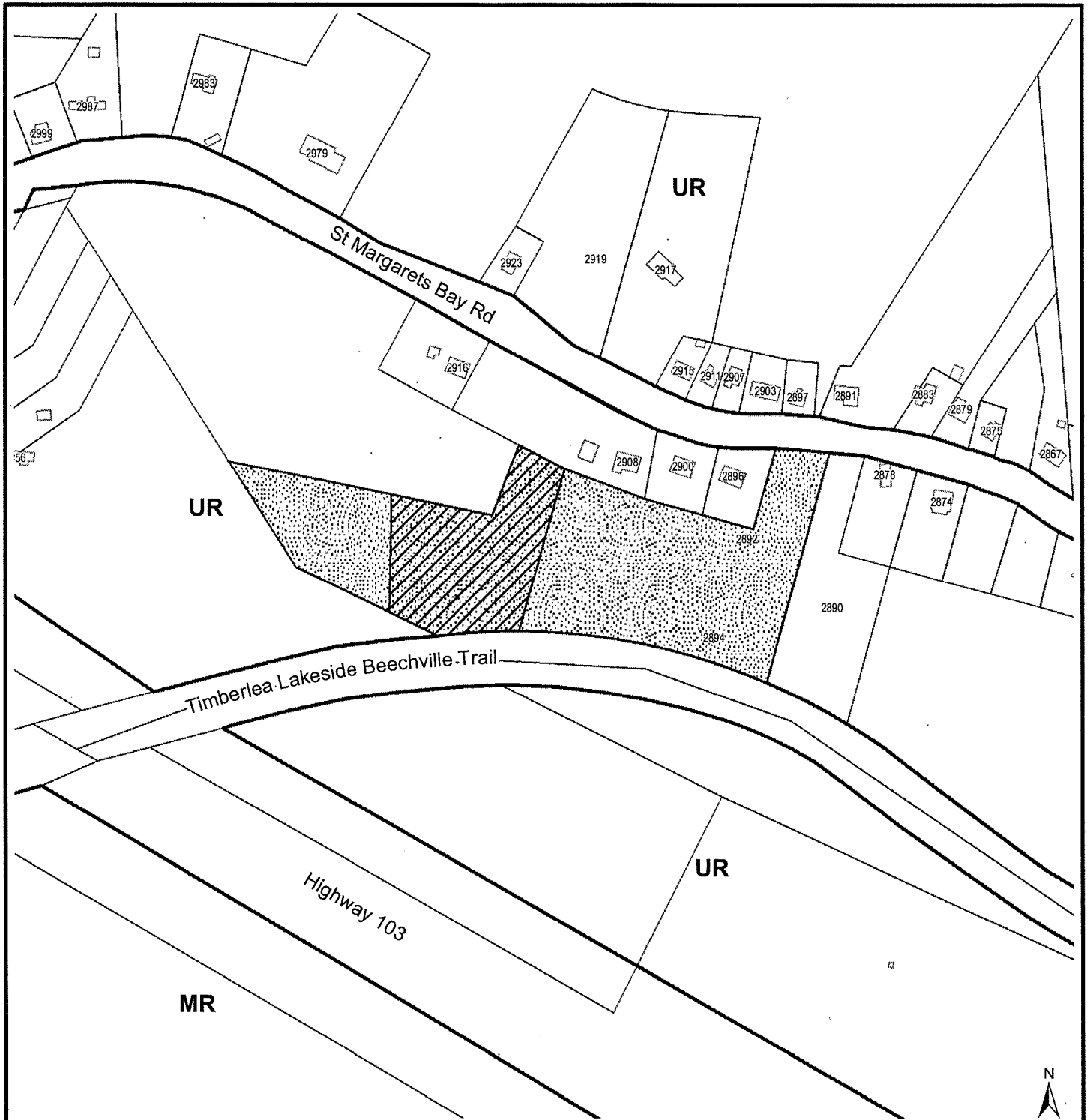
- i. an expansion of self-storage operations by permitting an outdoor commercial vehicle storage area within the area as shown on “Schedule UR-20” of the MPS; and,
- ii. buildings of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet.

4. By adding a new “Schedule UR-20” an area designated for self-storage expansion in Residential Designation” to the Timberlea/Lakeside/Beechville Municipal Planning Strategy as generally shown on Schedule A.

I HEREBY CERTIFY that the amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this day of \_\_\_\_\_, \_\_\_\_\_.

Municipal Clerk



**Schedule UR-20 Area of Bay Self-Storage Expansion in the Urban Residential Designation  
Timberlea/Lakeside/Beechville  
Municipal Planning Strategy Proposed Amendments**

**HALIFAX**  
REGIONAL MUNICIPALITY

-  Area of Self Storage Expansion in Urban Residential Designation
-  Subject Property

**Designation**

- UR Urban Residential
- MR Mixed Resource

2894 St. Margaret's Bay Road, Timberlea



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

Effective:

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## Attachment B

### Amendments to the Land Use By-law for Timberlea/Lakeside/Beechville

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use Bylaw for Timberlea/Lakeside/Beechville as enacted by the former Halifax County Municipality on the 10<sup>th</sup> day of August, 1994, and approved with amendments by the Minister of Municipal Affairs on the 20<sup>th</sup> day of November, 1992, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 17<sup>th</sup> day of March, 2010, is hereby further amended as follows:

1. By amending the Table of Contents to add a new "Schedule E - Area of Self Storage Expansion in the R 1 (Single Unit Dwelling) Zone" immediately following Schedule D – Wind Energy Zoning Map.
2. By Amending PART 14: C-3 (SERVICE BUSINESS) ZONE by deleting reference to section 14.5 and replacing it with the following:

#### 14.5 2892/2894 ST. MARGARET'S BAY ROAD

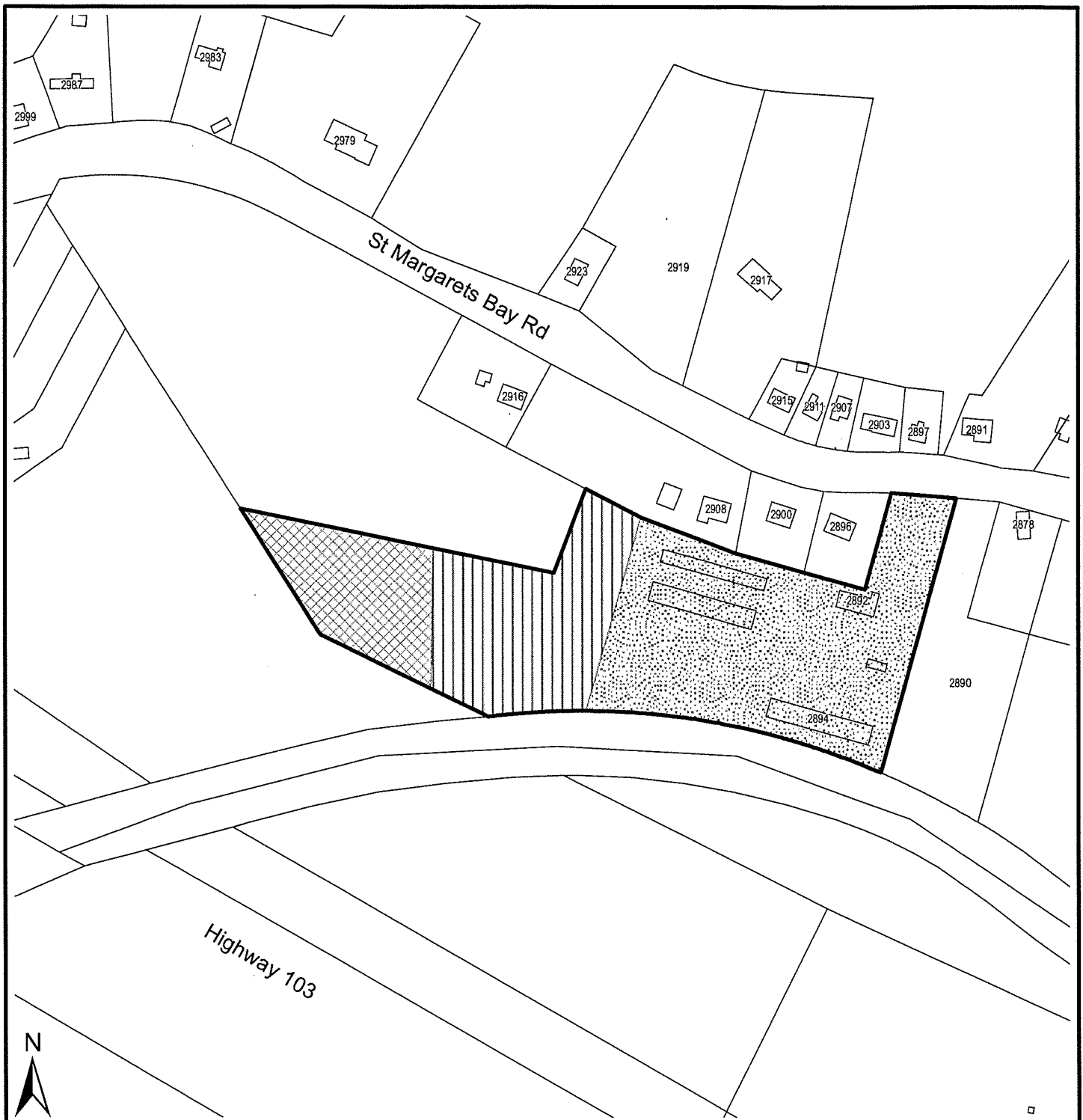
Notwithstanding Subsection 14.3 (a) for the properties known as 2892 and 2894 St. Margaret's Bay Road (Land Registration Information Service PID Numbers 40054538 and 40305369), the Municipality may permit:

- i. an expansion of self-storage operations by permitting an outdoor commercial vehicle storage area within that portion of the lot as shown on Schedule E of the Timberlea/Lakeside/Beechville Land Use By-law; and,
- ii. buildings of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet.

I HEREBY CERTIFY that the amendments to the Timberlea/Lakeside/Beechville Land Use Bylaw, as set out above, were passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the day of \_\_\_\_\_, \_\_\_\_\_.





GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this day of \_\_\_\_\_, \_\_\_\_\_.

Municipal Clerk

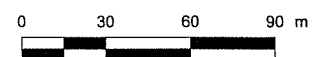


## Schedule E - Area of Bay Self-Storage Expansion in the R-1 (Single Unit Dwelling )Zone

2894 St. Margaret's Bay Road  
Timberlea

-  Subject Property
-  Extent of Existing Development Agreement (DA)
-  New Commercial Vehicle Storage Area
-  To Remain Undeveloped

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REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



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

**Attachment C:**  
**Amending Development Agreement**

THIS AMENDING AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2014,

BETWEEN:

**BAY SELF STORAGE INCORPORATED,**  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY,**  
a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 2894 St. Margaret's Bay Road, (LOT D-11D), Timberlea, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Western Region Community Council of Halifax Regional Municipality, approved an application by the Developer to enter into a Development Agreement, Agreement to allow for a self-storage facility development on the Lands (Municipal Case Number 00589), which said Development Agreement was registered at the Registry of Deeds in Halifax as Document Number 84169821 (hereinafter the "Existing Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to permit a further expansion of an existing self-storage facility on the lands subject to the registered owner of the lands described herein entering into this agreement;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

The Existing Agreement is amended as follows:

1. Remove "Schedule "A" from the Existing Agreement and replace it with "Schedule A" in this Amending Agreement.
2. By adding a new "Part 2A Definitions Specific to this Agreement" immediately after section "PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS" as follows:

"2.A Definitions Specific to this Agreement

The following words used in this Agreement shall be defined as follows:

- (a) “Commercial Vehicle Storage Area” means the outdoor parking or storage of commercial vehicles and recreational vehicles as shown on Schedule D.
  - (b) “Recreational Vehicle” means a transportable conveyance intended as a temporary accommodation for travel, vacation or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis mounted campers, boats, all-terrain vehicles, snowmobiles and tent trailers, but does not include manufactured housing.
- 3. In Part 2.1 “Schedule of Lands” replacing “Schedule A Legal Description of the Lands” with a new “Schedule A Legal Description of the Lands”
  - 4. In Part 2.1 “Schedule of Lands” adding the following new subsection immediately following “Schedule C Lot Consolidation Plan (0004)”:  
  
“Schedule D Commercial Vehicle Storage Area”
  - 5. In Part 2.2(g) adding the words “and Schedule D” immediately following the words “Schedule B”.
  - 6. By adding a new “Part 2.4.A Requirements Prior to Work” immediately following Part 2.4 as follows:
    - “1. Obtain the necessary permits for all required serving work, including but not limited to a Streets and Services Permit and Top Soil Removal Permit.”
  - 7. By deleting in Part 2.5 immediately following Subsection 1. the following:
    - “2. The Developer shall ensure that no surface drainage from the lot flows onto St. Margaret’s Bay Road.
    - 3. The storm drainage outlet to Block 1 of T. A. Products Limited is approved provided ownership of Block 1 is under the same ownership as the proposed development. Any conveyance of the western property, Block 1, shall be subject to provision of a service easement for the storm drainage outlet.”
  - 8. By adding a new “Part 2.5.A Environmental Protection Measures” immediately following “Part 2.5 Services” as follows:

- “1. Prior to the issuance of a Development Permit for the Commercial Vehicle Storage Area, the Developer shall provide the Development Officer with a Stormwater Management Plan prepared by a professional engineer. The Plan shall be designed to ensure that no surface drainage from the lot flows onto St. Margaret’s Bay Road.
2. No site work of any kind, including earth movement, tree removal or paving, on the lands identified in Schedule D as New Commercial Vehicle Storage Area, shall be commenced until the Stormwater Management Plan as required by section 2.5.A 1 has been provided.
3. At the time of the issuance of a Development Permit, the Developer shall provide the Development Officer with certification from a professional engineer that the Developer has complied with the Stormwater Management Plan.
4. The storm drainage outlet to Block 1 as shown on Schedule D is approved provided the Developer retains ownership of Block 1. Any transfer in title of Block 1 shall be subject to the provision of a service easement in favour of the Developer for storm drainage purposes.”
9. By adding a new “Part 2.6.A Commercial Vehicle Storage Area” immediately following Part 2.6 as follows:  
  
“2.6.A Commercial Vehicle Storage Area  
  
(a) Area dimensions in accordance with Schedule D.
10. This Amending Agreement shall be binding upon the Parties hereto and their heirs, successors and assigns.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**SIGNED, SEALED AND DELIVERED**

in the presence of:

\_\_\_\_\_  
=====

**SEALED, DELIVERED AND  
ATTESTED** to by the proper signing  
officers of Halifax Regional Municipality,  
duly authorized in that behalf, in the  
presence of:

\_\_\_\_\_

**[INSERT DEVELOPER NAME]**

Per: \_\_\_\_\_

Per: \_\_\_\_\_  
=====

**HALIFAX REGIONAL  
MUNICIPALITY**

Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Municipal Clerk



**ATTACHMENT D**  
**Excerpts from the Municipal Planning Strategy  
for Timberlea/Lakeside/Beechville**

**Policy UR-1:** In recognition of the established residential community and the need to provide for a variety of residential opportunities, it shall be the intention of Council to establish the Urban Residential Designation, as shown on Map 1 - Generalized Future Land Use. The Designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

**Policy UR-20:** Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to provide for the continued use of commercial and industrial properties through the application of a service business zone which permits service commercial uses of up to five thousand (5,000) square feet in floor area. This zone shall also specifically permit existing uses, including existing buildings which presently exceed the maximum permitted floor area, but shall not permit the establishment of such uses in the future. To offer protection for adjacent uses, open storage, outdoor display, and parking areas shall be regulated. It shall not be the intention of Council to permit future rezoning to a service business zone within the Urban Residential Designation. Further, any proposed expansion of permitted service commercial uses beyond the five thousand (5,000) square foot maximum floor area permitted in the zone, may be considered according to the development agreement provisions of the Planning Act, subject to the criteria outlined in Policy UR-22.

**In addition, for the total land area of properties known as 2892 and 2894 St. Margaret's Bay Road (Land Registration Information Service PID Numbers 40054538 and 40305369), Council may permit an expansion of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet. (RC/WRCC - August 9, 2005/ E September 3, 2005).**

**Policy UR-22:** Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to provide for the continued use of commercial and industrial properties identified in Appendix "B" of the land use by-law. Further, Council shall consider any proposed expansion or change of such uses according to the development agreement provisions of the Planning Act. In considering any expansion proposal or change of use, Council shall have regard to the following:

- a) that site design details, including landscaping, buffering, outdoor storage areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent residential development, and to provide for the needs of users of the development;
- b) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior appearance and signage;
- c) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;



- d) that municipal central services or, in unserved areas, on-site services, are capable of supporting the development;
- e) an assessment of the environmental concerns related to the development, including potential effects on watercourses, based on a report from the appropriate Federal or Provincial government authority;
- f) hours of operation;
- g) that the maximum gross floor area of the proposed development, exclusive of any area devoted to an accessory dwelling unit, shall not exceed six thousand five hundred (6,500) square feet. **In addition, for the total land area of properties known as 2892 and 2894 St. Margaret's Bay Road (Land Registration Information Service (PID Numbers 40054538 and 40305369), the Municipality may permit an expansion of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet (RC/WRCC - August 9, 2005 / E September 3, 2005).**
- h) maintenance of the development; and
- i) the provisions of Policy IM-12.

**Policy IM-12:** In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:

- a) that the proposal is in conformity with the intent of this strategy 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 sewer and water services;
  - (iii) the adequacy or proximity to 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.
  - (vi) **the proposed means of handling storm water and general drainage within and from the development. RC - October 30, 2001 E / December 8, 2001**
- 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 and outdoor display;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.

**Excerpts from the Land Use By-law  
for Timberlea/Lakeside/Beechville**

**PART 6: R-1 (Single Family Dwelling) Zone**

**R-1 USES PERMITTED**

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

**Residential Uses**

- Single unit dwellings
- Existing mobile home parks
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings

**Community Uses**

- Open space uses
- Institutional uses except day care facilities, medical clinics and fraternal centres and halls.

**R-1 ZONE REQUIREMENTS: RESIDENTIAL USES**

In any R-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	Central services	6,000 square feet (558 m <sup>2</sup> )
	On-site services	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	Central services	60 feet (18.3 m)
	On-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Minimum Lot Coverage		35 per cent
Minimum Height of Main Building		35 feet (10.7 m)

**OTHER REQUIREMENTS: BUSINESS USES**

Where business uses are permitted in any R-1 Zone, the following shall apply:

- a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business or facility.

- b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (28 m<sup>2</sup>).
- c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.
- d) No open storage or outdoor display shall be permitted.
- e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2 m<sup>2</sup>) in area.
- f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any business.

#### OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- b) Except for play equipment, no open storage or outdoor display shall be permitted.
- c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m<sup>2</sup>) in area.
- d) One off-street parking space, other than that required for the dwelling, shall be provided.

#### R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

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### **PART 14: C-3 (Service Business) ZONE**

#### C-3 USES PERMITTED

No development permit shall be issued in any C-3 Zone except for the following:

##### Commercial Uses

- Retail stores
- Food Stores
- Service and personal service shops
- Offices Banks and financial institutions
- Restaurants except drive-in and take-out restaurants
- Nursery and commercial greenhouse operations
- Medical, dental and veterinary clinics
- Post offices
- Plumbing, heating, electrical, carpentry and other special trade contracting services and shops, except welding, auto repair, and metal fabrication shops.

- Self-storage facility (WRCC June 24, 2002 / E - July 14, 2002)

Existing uses as follows:

Use	LRIS Index (Civic Address Number)
R and R Pools	1949 Bay Road (40026726)
Ewing's Autobody	2581 Bay Road (40050155)
Atlantic Micro Computers	2777 Bay Road (40054249)
T. A. Products	2892 Bay Road (40305369, 40054470, 40054538)
Carlsen's Manufacturing	3156 Bay Road (40304339)
H. Longard's Enterprises Ltd.	2449 Bay Road (40027625, 40027609, 40027633)
M. Longard's Trucking	2206 Bay Road (40160509)
Timberlea Dive Shop	2810 Bay Road (40592479)

#### Residential Uses

- Single unit dwellings including a dwelling unit for maintenance or security personnel
- Business Uses in conjunction with permitted dwellings

#### Community Uses

All uses permitted in the P-2 (Community Facility) Zone

#### C-3 ZONE REQUIREMENTS

In any C-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	Central services	10,000 square feet (929m <sup>2</sup> )
	On-site services	20,000 square feet (1,858 m <sup>2</sup> )
Minimum Frontage	Central services	75 feet (22.8 m)
	On-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		25 feet (7.6 m)
Minimum Lot Coverage		30 per cent
Minimum Height of Main Building		35 feet (10.7 m)

#### OTHER REQUIREMENTS: FLOOR AREA AND BUILDING SEPARATION

- (a) The gross floor area of all buildings on any lot in a C-3 Zone, excluding permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m<sup>2</sup>).
- (b) No main building within any C-3 Zone shall be located within fifty (50) feet of a dwelling on any abutting lot.

**EXEMPTION: EXISTING BUILDINGS**

- (a) Notwithstanding Subsection 14.3(a), existing buildings having in excess of five thousand (5,000) square feet (464.5 m<sup>2</sup>) of gross floor area shall be permitted as existing uses and may be reconstructed, renovated or changed to another use permitted in the C-3 Zone provided that this does not result in an additional increase in gross floor area.

## **ATTACHMENT E – PUBLIC INFORMATION MEETING MINUTES**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 17491**

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**7:00 p.m.  
Wednesday, November 28, 2012  
Lakeside Fire Hall  
26 Myra Road, Timberlea**

**STAFF IN**

**ATTENDANCE:**

Shayne Vipond, Planner, Planning Applications  
Holly Kent, Planning Technician  
Jennifer Purdy, Planning Controller

**ALSO IN**

**ATTENDANCE:**

Tom Robertson, Bay Self-Storage  
Councillor Reg Rankin

**PUBLIC IN**

**ATTENDANCE:**

48

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The meeting commenced at approximately 7:00p.m.

**Opening remarks/Introductions/Purpose of meeting**

Mr. Shayne Vipond, Planner, Planning Applications, called the meeting to order at approximately 7:00p.m. in the Lakeside Firehall, 26 Myra Road, Timberlea. He introduced himself as the planner guiding this application through the process and also Holly Kent, Planning Technician, HRM Development Approvals and Jennifer Purdy, Planning Controller, HRM Development Approvals.

Mr. Vipond explained that HRM has received a request from Bay Self Storage Inc. to amend HRM's planning policies and regulations for an expansion of a self-storage facility located at 2894 St. Margaret's Bay Road in Timberlea.

Mr. Vipond reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood regarding whether or not self storage operations including the parking lot area with large vehicles and items should be permitted on these lands. Following tonight's meeting; staff will take into consideration the feedback provided by residents at this meeting, circulate to relevant agencies such as Department of Transportation and Department of Environment, conduct analysis and will formulate a report with recommendation to Council who will make a decision on the proposed amendment.

## **Presentation on Application**

Mr. Vipond reviewed a slide of the location explaining that the subject property is located off of the St. Margaret's Bay Road and borders residential dwellings to the north and a multi-use trail to the south.

In terms of background, Bay Self Storage has been in operation at this site since 2002. In 2005, Regional Council approved amendments to the local Municipal Planning Strategy to establish policies to expand the self-storage facility through a development agreement. Later that year, Western Regional Community Council approved a development agreement for the expansion of the facility from 6,500 sq.ft to 41,500 sq.ft. to enable 7 new buildings on the site for a total of 9 buildings on the subject lands. This expansion occurred on lands zoned C3. Sometime between 2005 and 2011, HRM learned that an unauthorized expansion of the self-storage operation occurred on the site with the construction of a parking area which was outside the authorized area on an adjacent R1 zoned parcel.

Mr. Vipond showed a slide identifying the parcels in the area and how they are currently zoned; he explained that the entire area including the subject site is located within the Urban Residential Designation of the Timberlea/ Lakeside/ Beechville plan area. The property is split zoned C3-Service commercial zone and Residential (Single Unit Dwelling) zone.

The primary intent of the designation is residential development but, it also recognizes existing service commercial uses. Self-storage is a service commercial use. Reviewing the area on the slide, Mr. Vipond explained what portion of the site was under development agreement and what portion was unauthorized which was the basis of the applicant's current request- the outdoor parking area.

Reviewing the Municipal Planning Strategy policies and the regulations, Mr. Vipond explained that it has established existing service commercial uses of which self-storage is one and that the policy does not contemplate the expansion of existing service commercial uses residentially zoned properties. He added that whether or not the conditions are appropriate, to consider a change of these policies is unknown at this time.

## **Questions and Answers**

Mr. Dennis Jarvis, Timberlea asked what a R3 is.

Mr. Vipond explained that the R3 Zone is a Mobile Unit zone. The R4 Zone was a multiple unit residential zone.

Mr. Jon Jonah, Lakeside explained that he owns a 33 foot motor home with no place to park it. He feels that this application is a good thing.

Mr. Herald Awalt, Timberlea explained that he has numerous trailers which are being stored with Self Storage because there is no room on his property. He supports this application as it is nice to have this option so close to home.

Mr. Kevin McKinnon, Timberlea explained that he is a retiree who owns a travel trailer and has no room for storage on his property for this. Having Bay Self Storage is very convenient and also having the

security that they provide gives peace of mind. HRM has developed high density housing in this area with smaller lots and bigger homes, and therefore does not provide much room for storage. This facility provides a valuable service to the residents in this area and is a welcome addition to the City.

Mr. Michael Hart, St. Margaret's Bay Road explained that he lives across the road from Bay Self Storage and has never had any issues with traffic and this business has never caused any inconveniences. He explained that the City has developed very small lots that cannot fit boats, trailers etc. This business provides a great service to the community.

Mr. Rod Lake, Timberlea explained that he is also in support of this expansion. He is with the Timberlea Scouting Group who currently stores their canoes there at less of a cost than it would cost for lost equipment. He is in support of this expansion to help the business grow or remain in Timberlea.

Mr. Blaine MacDonald, Halifax explained that he used to live in the area and has used this service at Bay Storage for many years. However he no longer can provide this service because of a lack of room. He fully supports the expansion of this application.

Mr. Bob Angus, Timberlea explained that he is a retired Real-estate Agent and has had many clients use this service to store their stuff. Many people need the extra space to store their furniture sometimes when they are moving or when their house isn't big enough. This service is very worthwhile and affordable.

Ms. Catherine Klefens, Timberlea uses this service and explained the importance of being able to store vehicles there because of the level of security offered.

Mr. Dan MacDougall, Timberlea explained that he lives in a small lot which cannot hold his utility trailer, his travel trailer and skidoo. He supports this expansion.

Mr. Bob Fournier, St. Margaret's Bay Road explained that he is not in support of this application. He explained that he feels that commercial development is very important in the community because it provides a living to people, employs others, they pay taxes etc., and he is also a big supporter of municipal planning. He believes that municipal planning is a community effort and that it brings order to a lot of different activities that go on; it allows commercial to thrive but at the same time it allows a pleasant environment for people and their families who live in the R1 zoning. He is aware that sometimes planning strategies require changes and this planning strategy was put in place in 1992, 20 years ago. Over that period of time it has very clearly showed its age. It wasn't perfect when it was put in place and is not perfect now. Mr. Fournier explained that when changes are made to a policy, a development agreement is created which exists between the Municipality and the owner of a property. In the development agreement there are specialized conditions that are outlined. He added that Bay Self Storage has now had two development agreements, one in 2002 and one in 2005, both he did not participate in because he felt they were good for the community. However, this application he feels is not good for the community and there have been important failures in the past on the part of Bay Self Storage and he thinks that there are some shortcomings that can be expected in the future. In 2005 a development agreement was created which stated that there would be no surface drainage from the property in towards the St. Margaret's Bay Road. He expressed concern with this entering into the watershed area that feeds into Fraser Lake. He explained that he has spoken with some neighbors in the



area who explained that there has been numerous occasions when there has been water identified as moving towards St. Margaret's Bay Road which is a violation of the development agreement. He also added that neighbors report have occasionally seen hydrocarbons, transmission fluid, engine oil, gasoline surfacing on the water. When the environment floods, they have seen a sheen on the surface of the water which moves towards various properties. He addressed concerns of the long term affect this will eventually cause to Fraser Lake. He explained that in the 2005 development, there was a requirement that natural vegetation would remain around the entire site and will be left in place. This would be on the property's boundary separating a commercial property from the residential properties to provide a buffer. He addressed concern with this buffer that was no longer there. He explained that as this site develops in size, this buffer will become even worse and will be much more visible and hazardous. He explained that the most important thing is that in the 2005 agreement, the size of the property was defined very clearly which gave an exact number in square footage. In 2011 Bay Self Storage added additional acres into its property, which was residential property not zoned for commercial. Other business activities were never defined in the development agreement. With development agreements, it is expected that there would be a certain element of faith based on the community, however based on the past actions, it is clear that the development agreement doesn't have very much impact and this is what residents should expect for the future. He addressed concerns with this becoming a cross between a parking lot and a salvage yard and also his concern for hydrocarbons are lost to the environment, getting into the ground water, their effect on wells and the water table etc., This is a serious environmental issue. He also added that there are three sides of the property that are zoned residential and Bay Self Storage on the Bay Road is engaged in what he called "zoning creep" which before long will result in a huge development. The original Municipal Plan took all this into consideration where it explained that this is an area where homes should be built. Allowing for this expansion is setting stage for this zoning creep where it keeps expanding. He added his disappointed at Bay Self Storage for not holding up its end of the development agreement. Having violated the development agreement has resulted in a loss of trust by himself and the community and he feels that this is an untrustworthy thing to do. He also addressed concern with the Councillor for supporting this initiative, even though the Planning Department has basically said that they don't support it.

Mr. James Tufts, Timberlea explained that he lives next door for the past 20 plus years and feels that this business is the greatest thing that has ever happened. He added that there is enough buffering between the two lands and he appreciates the fence and feels that there are never any noise issues or problems.

Mr. Steve Williams, Timberlea explained that he owns and operates a business in the area and addressed concerns with previous speakers speaking on behalf of people that are not in attendance at this meeting and suggested that these comments are just hearsay and should not be included within the report or decisions regarding this application. He explained that following a large rainfall, he has noticed a sheen coming onto his property. Being concerned, he called the developer who brought in an Environment consultants who explained that this sheen was caused from the breakdown of soil and vegetation. When this is broken-down, it causes a sheen runoff and suggested that maybe this is the cause of the sheen concern on other properties and not hydrocarbons such as oil or gasoline. He suggested that there are just no places to put extra vehicles or recreational vehicles on the small property lots and that this business gives residents in the area a place to store their stuff. He explained that there are other companies in Halifax to store these things but they are more expensive. The City also promotes less

driving, to burn less fuel and do things closer to home, so it would be beneficial for this expansion. He added that he fully supports the approval of this application.

Mr. Ed Brine, Timberlea expressed concern with the amount of ground water that is directed towards his property from the development. He explained that during heavy rains, the water from the subject property floods the back of his property. This is because the developer has graded their property towards his. He also addressed concern with the existing tree line remaining as a buffer zone due to the fact that the developer is operating a 7 day/week business, 24 hours/day in a residential area. He explained that in the past, customers using the storage area were bringing in motorhomes, travel trailers etc. and visiting the storage facilities late at night and also very early in the morning which can be very noisy and disruptive. He added that some use generators and loud music. He explained that Councillor Rankin has ensured him that this buffer (existing tree line) will remain. He explained that the subject property was a wetland and a natural holding area for water which allowed storm water to drain at its own pace through the ditches of the St. Margaret's Bay through a covert and eventually ending up in Fraser Lake. However, because a portion of the wetland and the natural holding area has been removed and replaced with good quality soil to facilitate this development, the ground water has no place to go but, towards and on his property. He explained that he has lived there for 30 plus years and has never had any water issues and that he has pictures of this and will provide them to staff for proof. He added his concern that it was noted in the original development agreement and explained to the developer that there should be no surface drainage from his lot onto the St. Margaret's Bay Road. He explained that he has also noticed during heavy rains discoloration of water coming from the flow of ground water from the subject lands and expressed concern that this might contaminate his well and also Fraser Lake.

Mr. Carl Boyd, St. Margaret's Bay Road explained that he is against the approval of this application because he feels the zoning of the area was done correctly in the first place. The primary concern for him is the legality of it and the process that was not followed by the developer. Because they needed more land, they took this additional land that they owned and incorporated into this area which was zoned Residential. This is an illegal act and that should say that this application should be rejected. The process in changing the subject lands to become a parking lot was to bring large quantities of fill in and bulldozers to move dirt around to create a platform for the truck parking which in result created a drainage area that dumped water in there, and also up to the Bay Road and eventually into Fraser Lake. He expressed concern with the orange sludge that is now in the ditch and how it is flowing towards Fraser Lake.

Mr. Donnie MacDonald, St. Margaret's Bay Road explained that he is complete support of this application. He added that as this community expands, the expansion of the Self-Storage area is necessary.

Ms. Carleta Hunter, St. Margaret's Bay Road explained that she lives across the road from the subject area and explained that the applicant has always been a very good neighbor. He has worked with the RCMP to keep the community safe. She explained that she would rather see this expansion to allow for people to keep their equipment verses on and all over their properties. She added concern about unsightly equipment not being enforced.

Ms. Karolyn Waterson, St. Margaret's Bay Road explained that she lives across the street of the subject properties and feels that those who determined the zoning for these areas in 1992 had made a wise

decision and that this area should remain residential. She explained that the Municipal Planning Strategy states that significant change is needed to justify rezoning; the Planners report in 2012 found that there has not been any significant change therefore she is not in favor of this rezoning. According to the Urban Residential Designation of the Municipal Planning Strategy, it states that the priority of the area is the continuing of residential development in the area, not commercial development. She feels that this is commercial creep and in residential areas should be resisted. She explained that there are other commercial zones that have been grandfathered. Today an adjacent property is under consideration for C3 zoning and asked if there will be more requests to come for more continuous C3 zoning. She explained that the Municipal Planning Strategy specifically apposes expansion of commercial zoning to adjacent residential lands. In addition, the history of these particular lands does not inspire confidence because the previous agreement has been ignored. This sets a very bad precedence and may attract others to disregard official planning regulations. She spoke to her experience with her father's business and how he always kept his business out of a residential area and feels that this is the pattern that should be followed. She added that when considering zoning changes, communities should always consider all possibilities of the land by all possible future owners not just by those who may currently be good neighbors and individuals. Any zoning change to the C3 area will remain valid and available to all future owners of the land. She wondered that if the zoning change to the C3 area is approved, would then all future new C3 rezonings for all projects be allowed under the new C3 policy?

Mr. Vipond explained that the application to change the Policy would have to be accompanied by an amending development agreement. It is the development agreement which is registered with the land. It outlines the land use, the permitted uses and the way in which the property functions.

Ms. Waterson also addressed concern regarding water contamination and runoff. This has already affected her lands and may have already affected Fraser Lake. She explained that Fraser Lake is an incredibly pristine lake and is very important because it is now part of the new Birch Cove Blue Mountain conservation area. Fraser Lake will become even more important in the future as HRM moves towards its goals to increase urban density. She understands the concerns of others who are experiencing floods on their property because of this subject area. This should not be happening to local residents. The Department of the Environment is currently investing orange sludge in this area and feels that these finding should be considered. She added that the HRM Planner produced a carefully examined rejection of this proposal that gave many good reasons why the proposal should not be approved. For many reasons, this comes in conflict with the Municipal Planning Strategy.

Ms. Anne Fournier, St. Margaret's Bay Road explained that she was a member of the review planning process when creating the planning strategy. Historically, properties that were in place that had commercial or industrial use were given special designation on the appendix. This allowed expansion by development agreement. She expressed concern when she learned that the developer was expanding his business beyond the allowable zoning which resulted in loss of trust and faith. She explained that it was determined that future businesses in the area should be contained in a small area around the Timberlea Centre and Industrial businesses contained in an Industry Park except for the businesses that had already been in place. The residential area should be protected for the future. She explained that she is against the proposal for expansion because the owner has gone beyond the agreement in which he was allowed.

Mr. Lindsay Gates, Timberlea explained that he is a client and a long term user of Bay Self Storage. He added that he has a few vehicles that are stored there that are only a couple years old and that he doesn't

consider them to be salvage. He explained that he has a mechanical background and explained that vehicles that are parked for long periods of time do not drip and that a vehicle that contaminates the soil is a vehicle that is warm. He does not feel that there is a problem with land contamination because of the vehicles that are there long term parking and explained that he is in supportive of this expansion.

Mr. Williams asked if the water issues and the water tables were considered when the parking area was put in for the walking trail. He explained that there are 50-80 cars per day which use this parking area and added concern with the parking of vehicles on each side of the road.

Mr. Vipond explained that Planning Applications was not part of the parking development for the Trail Head at that particular area.

Mr. Williams explained that off of exit 4, there was a beautiful wetland that the City leveled off and made it into a parking lot for the link bus. He expressed concern with that water runoff and where that is going. He addressed concern with assumptions from residents who spoke at this meeting. These residents have been assuming that the runoff and the orange sludge is coming from the Bay Self Storage area when there are other areas that may also be the cause of it. He expressed concern with people pointing the figure without having all the facts. He added that there will be an environmental impact study completed and that will tell what is causing it.

A gentleman explained that the parking lot for the bus stop was not a wetland. He explained that he has a copy of a survey that speaks about the drainage problems from Bay Self Storage onto the St. Margaret's Bay Road and explained that in October 2009 a site visit was made in attempt to resolve the drainage problems.

### **Closing Comments**

Mr. Vipond thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

### **Adjournment**

The meeting adjourned at approximately 8:10p.m.