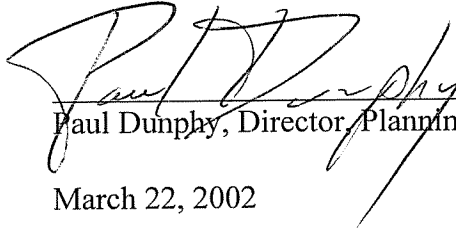

Halifax Regional Council
April 2, 2002

To: Mayor Kelly and Members of Regional Council

Submitted by:



George McLellan, Chief Administrative Officer



Paul Dunphy, Director, Planning & Development Services

Date: March 22, 2002

Subject: Case 00385: Proposed amendments to the Fairview Secondary Planning Strategy and Halifax Mainland Land Use By-law

STAFF REPORT

ORIGIN:

Motion of Chebucto Community Council at its meeting on June 18, 2001.

RECOMMENDATION:

It is recommended that Halifax Regional Council:

1. Instruct staff to initiate a process to:
 - (A) amend the Fairview Secondary Planning Strategy and Mainland Land Use By-law to allow recycling (Enviro) depots in minor commercial areas;
 - (B) redesignate the western portion of lot B-B, Civic No. 5 Rosedale Avenue, from Low Density Residential to Minor Commercial;
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

BACKGROUND:Chronology:

- In June of 1997, an application was submitted by Mr. Arthur Tanner to amend the C-2A (Minor Commercial) zone in the Fairview Secondary Plan Area to allow for an Enviro-Depot operation on his properties at 3506 Dutch Village Road and 5 Rosedale Avenue (Municipal Case No. 7550). The application was refused by Chebucto Community Council. Staff determined at that time that a Plan amendment would be required in order to provide policy support for locating these depots in the C-2A zone of the Fairview Area.
- In May of 2001, Chebucto Community Council approved amendments to the Halifax Mainland Land Use By-law to allow recycling (Enviro) depots in the C-2A zone in the Mainland South area (case #00314). These amendments added a definition of “recycling depot” to the by-law for clarification that such depots must be licensed by the Resource Recovery Fund Board Inc. (RRFB) in accordance with the provisions of the *Environment Act*. The amendments were requested to allow an existing depot located in the South Centre Mall to relocate to a site on Herring Cove Road.
- In May of 2001, an Information Report which was prepared for Chebucto Community Council concluded that Enviro Depots are not permitted by the zoning throughout much of the northern portion of Mainland Halifax and that it may be appropriate in the future to amend the Municipal Planning Strategy and Land Use By-law for that area to allow such depots.
- A motion was passed by Chebucto Community Council at its meeting on June 18, 2001 that Staff prepare a report regarding:
 1. amendments to the Fairview Secondary Plan Area, Bedford Highway Area and citywide policies of the Halifax Municipal Planning Strategy and Mainland Land Use Bylaw to include recycling depots in minor commercial areas, and;
 2. the re-designation and rezoning of the western portion of lot B-B, Civic # 5 Rosedale Avenue, Fairview Secondary Planning Strategy, from Low Density Residential to Minor Commercial, and R-2 (General Residential) zone to C-2A (Minor Commercial) zone, respectively.

Proposed Enviro-Depot Site:

Mr. Tanner is the owner of 5 Rosedale Avenue as well as 3506 Dutch Village Road (refer to highlighted area on Attachment 1 - Generalized Future Land Use Map). The property at 3506

Dutch Village Road contains an existing vacant building which was previously used as a service station. A single unit dwelling which existed on 5 Rosedale Avenue was demolished in the late 1980s.

Mr. Tanner currently operates Tanner's Transfer Enviro Depot at 3627 Joseph Howe Drive and leases the space from the property owner. He wishes to relocate his business to the properties he owns at 3506 Dutch Village Road and 5 Rosedale Avenue. Mr. Tanner would like to construct an addition onto the existing building and consolidate the two properties if it can be approved for an Enviro Depot.

The properties that are owned by Mr. Tanner are located within the Fairview Secondary Planning Strategy (FSPS). The parcel at 3506 Dutch Village Road is designated Minor Commercial on the Generalized Future Land Use Map (see Attachment 1) and is zoned C-2A (Minor Commercial)(see Attachment 2). The eastern portion of civic No. 5 Rosedale Avenue is designated Minor Commercial and the western portion is designated Low Density Residential (LDR). This parcel is zoned R-2 (Two Family Dwelling).

The surrounding land uses include a church which abuts the property to the north, a vacant lot to the south at the opposite corner of Rosedale Avenue and Dutch Village Road, an apartment building directly across Dutch Village Road, various commercial uses along Dutch Village Road and a mix of residential uses on Rosedale Avenue, including single family, duplex and apartment dwellings.

Enviro Depots

The Resource Recovery Fund Board Inc. (RRFB) is a private, not-for-profit company established in 1996 under the *Environment Act* to administer a substantial portion of the province's Solid Waste-Resource Management Regulations. As part of its mandate, the RRFB is responsible for administering a deposit-refund system for beverage containers. To accomplish this, the RRFB manages Enviro-Depots, which are licensed by the RRFB pursuant to the provincial Regulations. There are currently 24 licensed Enviro-Depots within Halifax Regional Municipality, including five in Halifax.

The RRFB has adopted criteria which deals with the siting (location) of depots. The criteria takes into account a number of factors including population base and the nearness to other depots. The RRFB has also created depot standards which deal with the appearance and condition of the depots as well as volume limits placed on the storage of waste dangerous goods. The depot operator must sign an agreement with the RRFB which requires that the operator abide by the standards set forth. It is important to note that the RRFB is responsible for approving all new Enviro-Depot locations which are proposed and has the power to revoke depot licenses, if necessary.

The RRFB has indicated that, since the depots operate as private, profitable businesses, and the RRFB retains the responsibility for approving all new depot locations and relocations, there will not be a proliferation of depots in the future. As population increases occur in certain areas over time, or if an existing depot closes or has to change its location, the RRFB will assess the need for these additional or relocated depots on a case-by-case basis.

DISCUSSION:

Municipal Planning Strategy Policies

The commercial policies of the Fairview Secondary Planning Strategy (FSPS) envision the Dutch Village Road area as a minor commercial centre, serving and remaining compatible with the surrounding residential neighborhoods. There is provision for limited expansion of the minor commercial uses into adjacent properties which are zoned residential, provided that the surrounding residential area is protected from the impact of commercial uses. Minor commercial centres are intended to service several neighborhoods with a variety of uses and wider range of services than neighborhood shopping facilities and should include such uses as offices, restaurants, cinemas, health centres and multi-service centres.

At the time of adoption of the FSPS in 1985, the provincial government did not have a set of regulations dealing with the recovery of recyclable materials. Therefore, the need for locating Enviro Depots to service several neighborhoods throughout the municipality was not anticipated. An amendment to the FSPS would be required to clarify that recycling or Enviro depot operations are permitted.

During the examination of the above request by Chebucto Community Council in more detail, particularly in relation to the Bedford Highway Secondary Planning Strategy and the City-Wide policies of the MPS, it was identified that amendments to the policies for those areas to allow for future recycling depots would be premature. The existing depots located in Fairview, Bedford and in Bayers Lake Business Park are easily accessible from the northern portion of Halifax Mainland. There may not be a need or desire to locate a depot in this area in the future. In the event that a new depot is required as a result of future population growth or an existing depot wishes to relocate to one of those areas, amendments to the MPS may be appropriate on a case-by-case basis at that time.

Conclusion

Staff advises that the Plan Amendment request has merit. There is a need for Enviro Depots to be conveniently located throughout the municipality and to be accessible to several neighborhoods in order to carry out the resource recovery goals of the municipality and the RRFB. In order to enable this to occur in the Fairview area, an amendment to the MPS is required. Staff

recommends that there is merit in pursuing this approach in more detail through the MPS amendment process.

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. Instruct staff to initiate the process to amend the Fairview Secondary Planning Strategy to allow for recycling depots in Minor Commercial areas. This is the recommended option.
2. Instruct staff to initiate the process to amend the Fairview Secondary Planning Strategy, Bedford Highway Secondary Planning Strategy and the City-Wide policies of the Halifax Municipal Planning Strategy to allow for recycling depots in Minor Commercial areas. This alternative is not recommended as there is no intention or need to locate recycling depots in areas other than the FSPS at the present time.
3. Refuse the requested amendment. Council is under no obligation to consider a request to amend its Municipal Planning Strategy. 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 FSPS.

ATTACHMENTS:

Attachment 1	Generalized Future Land Use Map
Attachment 2	Zoning
Attachment 3	Relevant MPS Policies

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:  Paul Sampson, Planner 490-6259

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



Map 1 - Generalized Future Land Use
 Rosedale Avenue, Halifax
 Halifax Plan Area

 Subject area

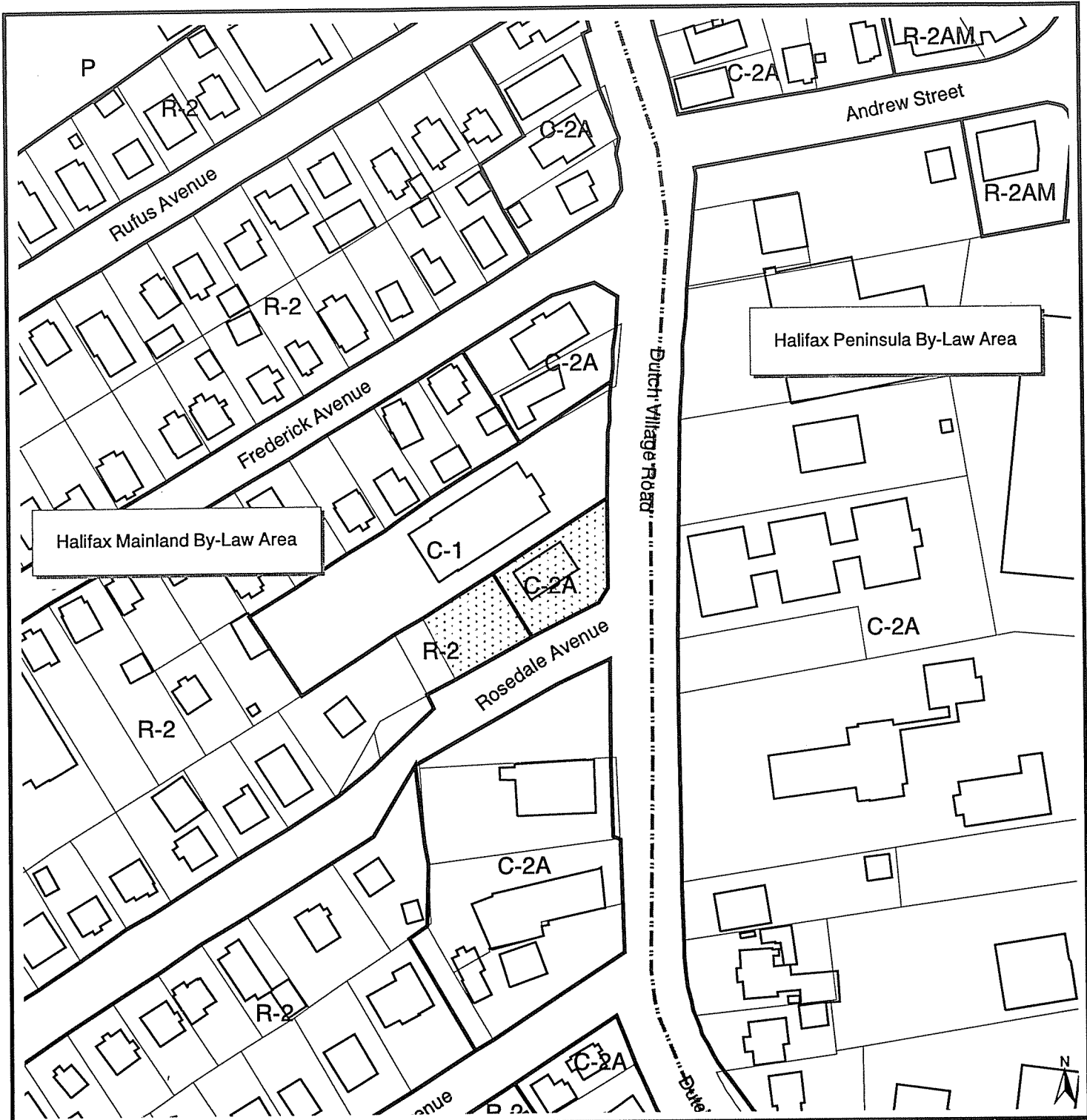


Designation



- LDR Low Density Residential
- MDR Medium Density Residential
- MC Major Commercial
- CR Community Recreation

Note: This is an unofficial reproduction of a portion of the generalized future land use map for the Halifax Plan area. HRM does not guarantee the accuracy of any representation on this plan.





Map 2 - Zoning
Rosedale Avenue, Halifax
 Halifax Plan Area

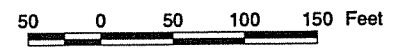
-  Subject area
-  By-law area boundary



- Zoning - Halifax Mainland**
- R-2 Two Family Dwelling
 - C-1 Local Business
 - C-2A Minor Commercial
 - P Park and Institutional

- Zoning - Halifax Peninsula**
- R-2AM Gen. Res. Conversion and Townhouse
 - C-2A Minor Commercial

Note: This is an unofficial reproduction of a portion of the zoning map for the Halifax Mainland and Peninsula Land Use By-Law areas. HRM does not guarantee the accuracy of any representation on this plan.



Attachment 3 - Relevant MPS Policies**Fairview Area:****2. COMMERCIAL FACILITIES**

- Objective Encourage the continued development of the Dutch Village Road area as a Minor Commercial centre, compatible with the surrounding neighbourhood.
- 2.2 The Dutch Village Road Commercial area is recognized as a "Minor Commercial centre" within the meaning of Part II, Section II, Policy 3.1.2 of the Municipal Planning Strategy. The City shall encourage its development within the limits set out in this Plan.
- 2.2.1 Minor commercial uses should front on Dutch Village Road, Alma Crescent or Titus Street and should be concentrated between Bayers Road and Evans Avenue, and shall be permitted only in areas designated "Minor Commercial" on the Future Land Use Map (Map 9c) of this Plan. The area designated "Minor Commercial" along Dutch Village Road and Titus Street is intended to provide limited expansion capability of the minor commercial uses.
- 2.2.2 Residential properties within the "Minor Commercial" designation, and not fronting on Dutch Village Road, Alma Crescent or Titus Street, shall be zoned to reflect their present use. The City may consider applications for rezoning of such properties to commercial use provided that the land to be rezoned is adjacent to a property zoned commercial.
- 2.2.3 Further to Policies 2.2.1 and 2.2.2, the Land Use Bylaw shall include provisions in the Minor Commercial Zone to protect the adjacent residential area from the impact of commercial uses by limiting the location of pedestrian and vehicular access to stores and parking areas, and by requiring adequate on-site parking and buffering of visual and noise intrusions.

City-Wide Policies:

- 3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the

principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.