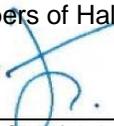


HALIFAX

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

Item No. 14.1.6
Halifax Regional Council
May 24, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 
Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: April 26, 2016

SUBJECT: **Case 19535: Amendments to the MPS and LUB for
Timberlea/Lakeside/Beechville, for 1839 & 1841 St. Margarets Bay Road,
Timberlea**

ORIGIN

Request from Geoff Keddy Architect & Associates Ltd.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

1. Initiate the process to consider amending the Municipal Planning Strategy and Land Use By-law for Timberlea/Lakeside/Beechville, to permit commercial development at 1839, 1841 St. Margarets Bay Road, Timberlea, and to amend the parking requirements in the Land Use By-law for restaurants and to introduce landscape requirements in the C-2 Zone; and
2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

BACKGROUND

Geoff Keddy Architect & Associates Limited, on behalf of Shining Waters Marine Limited, is applying to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Timberlea/Lakeside/Beechville, to permit commercial development at 1839 & 1841 St. Margarets Bay Road, Timberlea (subject site). An MPS amendment is needed because the applicant wishes to construct a commercial building, including, a drive in restaurant, office and general retail use, on lands currently designated Urban Residential and zoned R-1 (Single Unit Dwelling).

Subject Site	1839 & 1841 St. Margarets Bay Road, Timberlea
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Urban Residential under the MPS for Timberlea/Lakeside/Beechville
Zoning (Map 2)	R-1 (Single Unit Dwelling) under the LUB for Timberlea/Lakeside/Beechville
Property Size	4,450 square metres (47,899 square feet)
Street Frontage	71.5 metres (234.6 feet)
Site Conditions	Two unit dwelling and single unit dwelling. Property has frontage along Governor Lake, with mature vegetation located in the rear yard (north) and side yard (east).
Current Land Use(s)	Two existing residential buildings
Surrounding Land Use(s)	North: Governor Lake South-east: Retail store (1823 St. Margarets Bay Rd.) South: Gas station and car wash (1830 St. Margaret's Bay Rd) North-west: Residential properties (adjoining property is vacant)

Proposal

The application proposes to re-designate and rezone the subject site to apply the Commercial Core Designation and the C-2 (General Business) Zone, to permit small scale uses. Attachments A and B contain the application letter and preliminary site plan submitted in support of the proposal. General details of the proposed development are as follows:

- Demolition of existing two unit and single unit residential dwellings; and
- Construction of 535 square metre (5,760 square foot) commercial building consisting of drive-in restaurant, general retail and office uses.

In addition to considering the re-designation and rezoning, staff propose to introduce general amendments to the parking requirements for restaurants within the Timberlea/Lakeside/Beechville Plan Area and to establish landscaping requirements for parking lots in the C-2 Zone.

Commercial Core Designation

The MPS states that the primary function of the Commercial Core Designation is to provide a commercial focus for the Plan Area. Commercial land use in Timberlea is illustrative of an early stage of suburban commercial development whereby commercial uses are predominantly dispersed along St. Margarets Bay Road and include a mix of neighbourhood convenience, highway commercial and business uses. The location of the commercial core has been chosen primarily on its ability to accept growth with minimum adverse impact on the residential environment.

DISCUSSION

Municipal Planning Strategy Amendments

The MPS for Timberlea/Lakeside/Beechville is a strategic policy document which sets out the goals, objectives and direction for the community's long term growth and development. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

Rationale

The applicant has provided the following rationale for the consideration of the redesignation and rezoning of the subject site:

- The communities of Timberlea, Lakeside and Beechville are dynamic places and have gone through many changes since adoption of the MPS in 1992. There are needs for the development of new commercial areas to provide services to the community; and
- The MPS is cautious of generating a "proliferation of general strip commercial development" along Highway 3 (St. Margarets Bay Road) and only allows for the existence of the C-2 (General Business) zone in specific areas. These areas recognize existing commercial development, however offer limited opportunity for new commercial development and do not provide for adequate commercial opportunities.

With regard to the parking requirements for restaurants, staff have observed that the number of spaces that are required by the LUB may be high, particularly in comparison with other similar requirements the municipality. This may result in parking lot areas that are larger than that which may be necessary for such uses. With respect to landscaping for parking lots, staff have noted that commercial areas would benefit from modest changes that introduce a planting area between parking lots and roads, which would apply to new development.

Staff Review

Staff has reviewed the submitted rationale in context of the site circumstances and surrounding land uses. There is merit to considering an expansion to the existing Commercial Core Designation and C-2 (General Business) Zone as outlined by the applicant. In addition, the MPS contains policies that encourage commercial development in locations which retain adequate separation from the residential environment (Attachment C). A full review would consider a number of items, including but not limited to, compatibility with adjacent land uses, requirements of the C-2 Zone, and impact on traffic.

Conclusion

Staff have reviewed the proposal and find that there is merit to consider potential amendments to the MPS and LUB that will be achieved through a detailed review process that will include public consultation.

FINANCIAL IMPLICATIONS

The HRM costs associated with this planning application can be accommodated within the approved 2016/17 operating budget for C310 Urban & Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. This application involves proposed amendments to a Municipal Planning Strategy. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Other

information about the risks and other implications of adopting any amendments are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

Should Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments, which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement would be consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing, before Regional Council could consider approval of any amendments.

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Halifax MPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

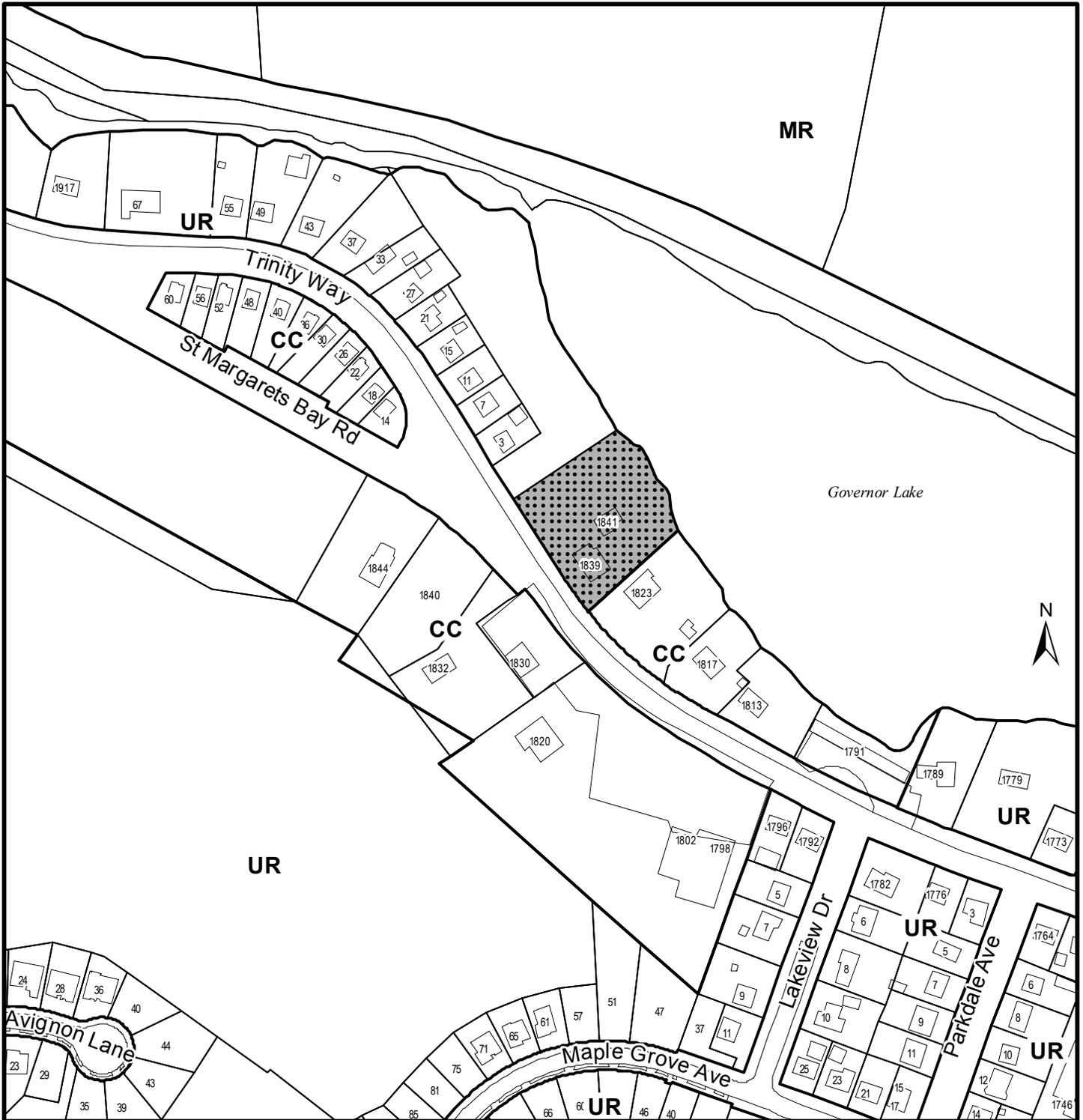
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Application Letter
Attachment B	Preliminary Site Plan
Attachment C	Excerpts from the MPS and LUB for Timberlea/Lakeside/Beechville

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Tyson Simms, Planner II, 902.490.6983
Richard Harvey, Principal Planner, 902.490.6495

Report Approved by: _____
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Report Approved by: _____
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

1839/1841 St. Margarets Bay Rd,
Timberlea

HALIFAX

 Area proposed to be re-designated from UR (Urban Residential) to CC (Commercial Core)

Designation

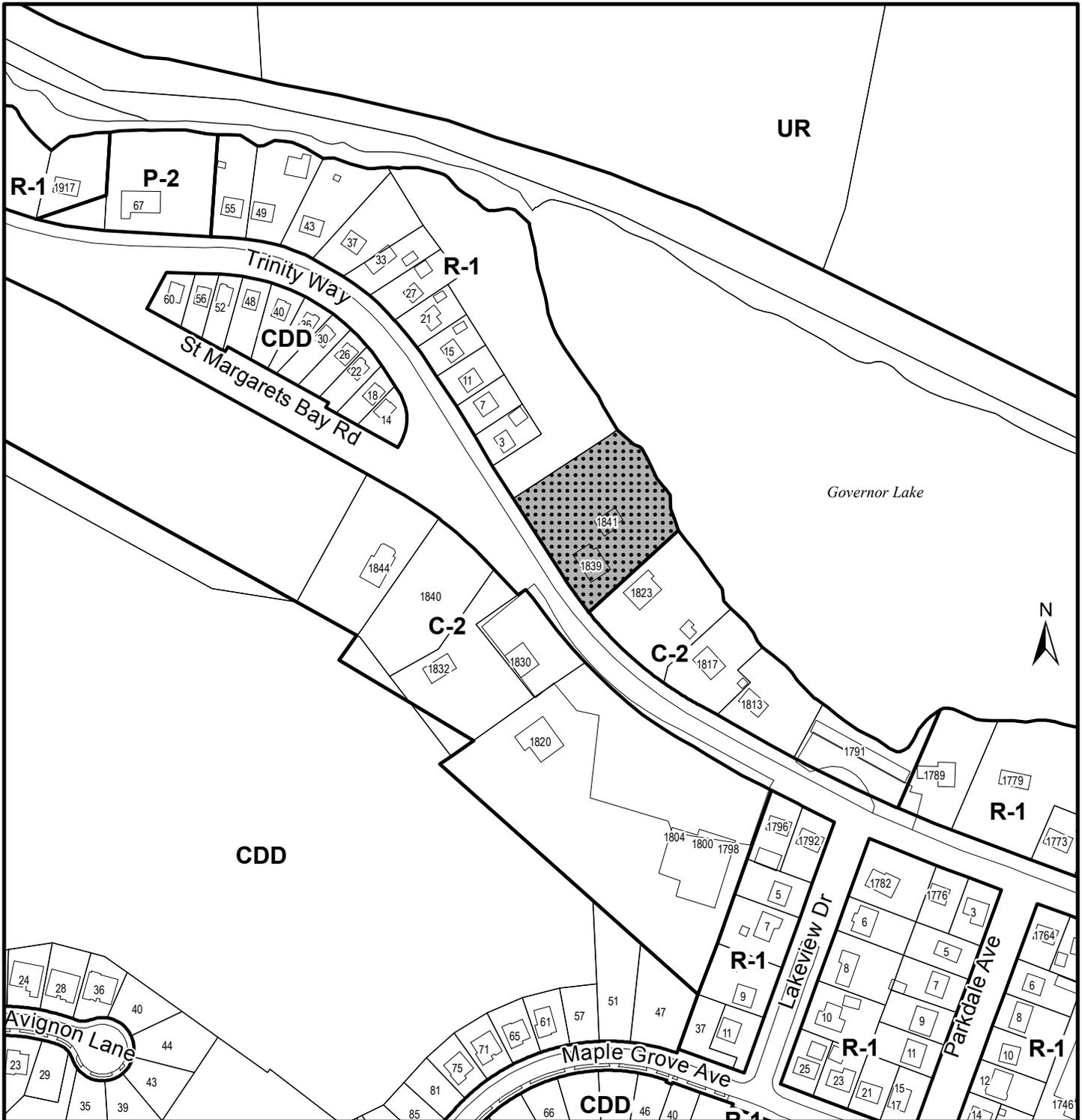
- UR Urban Residential
- CC Commercial Core
- MR Mixed Resource



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

The accuracy of any representation on this plan is not guaranteed.

Timberlea/Lakeside/Beechville
Plan Area



Map 2 - Zoning

1839/1841 St. Margarets Bay Rd,
Timberlea

HALIFAX

 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to C-2 (General Business)

- Zone**
- R-1 Single Unit Dwelling
 - C-2 General Business
 - P-2 Community Facility
 - CDD Comprehensive Development District
 - UR Urban Reserve



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

The accuracy of any representation on this plan is not guaranteed.

Attachment A- Application Letter

March 22, 2016

Mr. Miles Agar
Planning Applications
Halifax Regional Municipality
7071 Bayers Road, Suite 2005
Halifax, NS, B3L 3N5

Re: Planning Application to amend Timberlea/ Lakeside/ Beechville Municipal Planning Strategy and Land Use By-law to rezone 1841 St Margarets Bay Road from R2 to a Commercial Designation

Dear Miles:

We are pleased to make this application to amend Timberlea/ Lakeside/ Beechville Municipal Planning Strategy (MPS) and the Land Use By-Law (LUB) to enable 1841 St Margarets Bay Road (PID 40027104) to have a commercial use. Please note while the adjacent lot (PID 40027120) is shown in the application drawings, this lot is not part of the application and will only be used to provide a buffer between the proposed commercial and residential units nearby. This simple change in designation to commercial from the R2 zone will enable the development proposal outlined in this application.

In support of this application, the following materials have been submitted:

1. Completed Application Form
2. \$2,600 Application Fee
3. Detailed Site Plan, 11x17 (11 copies)
4. Building Drawings (4 copies)
5. Traffic Impact Statement (4 copies)
6. Servicing Schematic (6 copies)
7. Landscape plan (4 copies)
8. Legal Description (1 copy)
9. Electronic versions of the above listed materials

Location

The subject site is located at 1841 St Margarets Bay Road, Timberlea, NS with PID Number 40027104. The site has a direct access on St Margarets Bay Road to the South West and is bounded by Governor Lake to the North East, Country Store to the South and a vacant resident property to the North. There is also an Ultramar Gas Station located across the street. The site is located in a strip of commercial buildings that include a dental clinic, a family clinic, the Guardian Pharmacy, and a motel.

The subject property is 4450 square metres (1.1 acres), with 72 metres of frontage on St. Margarets Bay Road. The site currently consists of 2 - two storey single family dwelling.

MPS and LUB

The subject properties are designated Urban Residential under the *Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS)*, and Single Unit Dwelling (R-1) under the *Timberlea/Lakeside/Beechville Land Use By-Law (LUB)*.

The site is adjacent to and across from to the area of the Plan Area that is allocated for commercial development. Designated as Commercial Core under the MPS, this area is to allow for development of commercial and community facilities. This area has been selected because of its ability to “accept growth with minimum adverse impact on the residential environment”. According to the MPS, “it is sufficiently large to sustain a functional mixture of community facility, recreational, commercial, mixed use commercial/residential developments, cultural, retail and entertainment uses and is located so as to take advantage of existing, as well as potential transportation investment in collector roads, interchanges and public transit.” The Commercial Core Designation allows for the creation of C-2 General Business Zone under the LUB.

Rationale for an MPS and LUB Amendment

The MPS limits any expansion of commercial designation into residential areas through Policy UR-21. This policy states:

Policy UR-21:

Notwithstanding Policy UR-1, within the Urban Residential Designation, it shall be the intention of Council to accommodate a number of existing commercial operations with direct access to Highway No. 3 through the application of a general business zone (Policy CC-2). It shall not be the intention of Council to permit future rezoning to a general business zone within the Urban Residential Designation.

Considering the MPS was first created in 1992, there have been significant changes in the Plan Area and there are further community needs that should be addressed through an amendment to the MPS. As it is stated in various areas of the MPS, the goal of the Strategy for the Plan Area is to: 1. Protect residential identity of the Plan Area; 2. Provide adequate commercial opportunities; and 3. Recognize existing businesses. It is therefore justifiable to consider expansion of commercial uses to meet community needs while protecting residential neighbourhoods. The following are the reasons to support this argument.

1. The MPS caters to commercial needs of residential environments through creation of Commercial Core Designation (Policy CC-2). However, the Strategy is cautious of “proliferation of general strip commercial development” along Highway 3 and only allows for existence of General Business Zone in three general commercial pockets along Highway 3 through Future Land Use Map. The only exceptions to these pockets are individual lots in some areas of the plan. These individual commercial lots are enabled through the first part of Policy UR-21.
2. Second part of Policy UR-21 strips any possibility for creation of new commercial zones within the Urban Residential Designation. This is the contrary to the overall intent of the MPS as well as good planning practices. The original MPS for this area was first passed in August 1992. The communities of Timberlea, Lakeside and Beechville are dynamic places and have gone through many changes since the adaptation of the Plan. There are needs for creation of new commercial areas to provide services to the Community.

3. There are currently no policies within the MPS to allow for a level flexibility that caters for the changes in the Plan Area over time. We are of the opinion that new policies are needed to address the challenges outlined above. The new policies should also enable creation of new zone as the requirements for commercial uses under the current Zone C-2 are outdated.

Enabling Commercial Development

In order to establish a comprehensive, cohesive and complimentary form of development on the subject property, this application requests Council's consideration to amend the Timberlea/Lakeside/Beechville MPS and LUB.

Although the need for commercial uses is acknowledge, the Timberlea/Lakeside/Beechville *MPS* and *LUB* could not anticipate the need for further commercial uses in the area when they were adapted in 1992. Therefore, in our opinion, the intent is to encourage creation of further commercial uses while preserving the residential nature of the Plan Area.

The goal of this application is to encourage creation of a new commercial zone that does not result in proliferation of general strip commercial development. This will allow for a wider variety of commercial units and tenures creating employment opportunities within the Plan Area. It is our understanding that to achieve these goals amendments to the MPS and LUB are required.

The proposed amendment process will encourage improved architecture standards by establishing zoning that considers setbacks, massing and parking requirements to establish good commercial form.

Our client has recognized the need for further expansion of commercial uses adjacent to the existing Commercial Core and the area zoned C-2. The proposed development is for Subway Regional Office and a drive-through Subway restaurant. This development considers the following criteria:

1. A wider variety of commercial uses to serve the Local Community
2. Limiting expansion of commercial uses adjacent to other commercial uses in the community and preserving the residential nature of the Plan Area
3. New employment opportunities for the residents of the area
4. Introduction of new community members as tenants to the proposed development
5. A building design that is respectful of the local architecture

A complete set of drawings for the proposed development is provided in Appendix A. A summary of the proposed development is provided below for your reference.

Proposed Development

The proposed development is a commercial building that will be used as the Regional Subway Office and a Subway Restaurant. The building includes a total of 4,540 sq. ft. of office space, 2,260 sq. ft. of restaurant space and 1,990 sq.ft. of general retail space. While the offices will be used for Subway staff, the restaurant will include a drive through. The square footage of the proposed building is 5760 sqft. and 55 stalls of parking is provided to accommodate for the staff and the restaurant customer. The number of parking is provided using the LUB requirements of retail uses.

Materials

As per the enclosed exterior elevation plans, quality materials are proposed for the development that speak a language meant to compliment the area's existing commercial and residential architecture.

Traffic and Movement

Please refer to Appendix B for a Traffic Impact Statement.

Services

Please refer to the enclosed servicing schematic in Appendix C for information regarding servicing of the development.

Conclusion

We are requesting an amendment to *Timberlea/Lakeside/Beechville MPS and LUB* in order to enable the proposed development at 1841 St Margarets Bay Road. This amendment will allow for an expansion of a much needed commercial use in an area appropriate for commercial growth.

Sincerely,

Geoff Keddy

Attachment C
Excerpts from the MPS and LUB for Timberlea/Lakeside/Beechville

MPS for Timberlea/Lakeside/Beechville

SECTION III
COMMERCIAL CORE DESIGNATION

Commercial land use in Timberlea/Lakeside/Beechville is illustrative of an early stage of suburban commercial development. Commercial uses are predominately dispersed along Highway No. 3 and include autobody shops, neighbourhood convenience outlets, highway commercial uses such as gas stations, and business uses found within dwellings. There is also a small shopping centre in Timberlea which contains a grocery store and a pharmacy. Other commercial uses in the general vicinity include a tavern, a doctor's office and a motel.

The location of the commercial core has been chosen primarily on its ability to accept growth with minimum adverse impact on the residential environment. It is sufficiently large to sustain a functional mixture of community facility, recreational, commercial, mixed use commercial/residential developments, cultural, retail and entertainment uses and is located so as to take advantage of existing, as well as potential transportation investment in collector roads, interchanges and public transit.

- CC-1 It shall be the intention of Council to establish the Commercial Core Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the designation are intended to provide a commercial and service focus for the Plan Area.
- CC-2 Within the Commercial Core Designation, it shall be the intention of Council to establish a general business zone which permits general commercial uses not exceeding fifty thousand (50,000) square feet of gross floor area, and also permits special trade contracting services and shops not exceeding two thousand (2,000) square feet in gross floor area along with community uses and existing dwellings. This zone shall also permit up to two (2) dwelling units to be used on conjunction with permitted commercial uses, as well as boarding and rooming houses. The zone shall be applied to existing commercial uses in the Residential Designation, subject to the conditions established in Policy UR-21, and within the General Commercial Designation subject to Policy CG-2.

LUB for Timberlea/Lakeside/Beechville

PART 13: C-2 (GENERAL BUSINESS) ZONE

13.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses

Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Theatres and cinemas
Existing entertainment uses

Entertainment uses associated with motels, hotels and hostels

Motels, hotels and hostels

Commercial recreation uses

Service stations

Taxi and bus depots

Parking lots

Greenhouses and nurseries

Veterinary hospitals and kennels

Welding, plumbing and heating, electrical and other special trade contracting services and shops

Local fuel distribution facilities

Re-cycling depots

Residential Uses

Existing dwellings

Boarding and rooming houses

Two or fewer dwelling units in conjunction with permitted commercial uses

Community Uses

Open space uses Institutional uses