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Item No. 7.1.1
Halifax and West Community Council
November 18, 2020

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

DATE: September 30, 2020

SUBJECT: **Case 22617: Amendment to the Land Use By-law for Timberlea / Lakeside / Beechville for 207 and 209 Greenhead Road, Lakeside**

ORIGIN

Application by Lloyd Robbins on behalf of the property owner.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment the Land Use By-law for Timberlea / Lakeside / Beechville, as set out in Attachment A of this report, to enable the expansion of an existing commercial garage at 207 and 209 Greenhead Road, Lakeside, and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Timberlea / Lakeside / Beechville, as set out in Attachment A of this report.

BACKGROUND

Lloyd Robbins on behalf of the property owner is applying to rezone a portion of lands at 207 and 209 Greenhead Road, Lakeside from P-2 (Community Facility) and R-3 (Mobile Dwelling) to C-3 (Service Business), to allow for an existing commercial garage to be expanded.

Subject Site	207 and 209 Greenhead Road, Lakeside (PID 40501561)
Location	Between St. Margaret's Bay Road and Highway 103 on the west side of Greenhead Road
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Urban Residential
Zoning (Map 2)	P-2 (Community Facility) and R-3 (Mobile Dwelling)
Size of Site	Approximately 5,260.9 square metres
Street Frontage	Approximately 55.25 metres
Current Land Use(s)	A commercial garage and residential dwelling
Surrounding Use(s)	Immediately to the north, east, and west of the site is low rise residential. To the south is forested, vacant land.

Proposal Details

The applicant proposes to rezone the majority of subject property from P-2 and R-3 to C-3 to enable the property owner to apply for permits to legalize two additions to the existing commercial garage. As part of the rezoning application, the Land Use By-law would also be amended to add the commercial garage to the list of permitted existing uses in the C-3 Zone.

History & By-law Compliance

According to a Statutory Declaration provided by the applicant, the garage at 209 Greenhead has operated as a commercial automotive garage since the mid-1970s. It was not until 1982 that the Land Use By-law for Timberlea / Lakeside / Beechville came into effect and the property was zoned R-3. The R-3 Zone does not permit commercial garages. However, the commercial garage existed before the land use regulations came into effect. Therefore, the commercial garage is considered a "non-conforming" use and permitted to remain as it existed at the date of the first publication of the notice of intention to adopt the land-use by-law.

In March 2018, the Municipality became aware of an addition being constructed to the garage. The appropriate permits had not been issued. A permit application was subsequently submitted, but it was to replace the shingles on the existing garage with a steel roof, not for the addition. During the review of the permit application, staff became aware there had been two previous additions made to the garage without permits. Using aerial imagery, staff concluded the first addition had been built between 2008 and 2010. As per Section 256 of the HRM Charter, a non-conforming use in a structure cannot be "*expanded or altered so as to increase the volume*", and therefore development permits could not be issued for either addition.

Having been ordered to bring the property into compliance and after court action by the Municipality to enforce that order, the property owner plead guilty to 1) failing to comply with a building code order, and 2) furnishing false information in a building permit application. The Court ordered that the property be brought into compliance no later than February 28, 2021 by either obtaining the required permits or removing both extensions to the structure.

The present zoning on the property does not permit the issuance of the permits required to authorize the structures. In response, the owners applied to rezone the property to C-3 and to have the commercial garage added to the list of existing commercial uses permitted in the zone. Under the C-3 Zone, the commercial garage would be identified as a permitted existing use and could be expanded up to a maximum of 5,000 square feet, provided all other land use by-law regulations and municipal by-laws and regulations (e.g., Building Code) are met.

Enabling Policy and LUB Context

The subject site is designated Urban Residential (UR) under the Municipal Planning Strategy for Timberlea/Lakeside/Beechville (MPS). The UR Designation constitutes the priority area for continuing residential development in Timberlea, Lakeside, and Beechville. The MPS recognizes there were various existing commercial and industrial uses within the UR Designation at the time policies were first adopted. To acknowledge these existing uses, Council adopted Policy UR-20 in 1992. This policy enables the continued use of existing commercial and industrial properties through the application of the C-3 Zone which permits service commercial uses with up to 5,000 square feet in floor area. Policy UR-20 does not allow for future rezonings to C-3 to establish new service commercial uses. The policy specifically permits existing uses, which were uses in existence at the time the policy was adopted in 1992, including existing buildings which presently exceed the maximum permitted floor area.

Implementation Policy IM-12 provides criteria for Council to consider for applications to amend the Land Use By-law, including that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations. See Attachment B for the full list and analysis of relevant policies.

The subject site is partially zoned R-3 (Mobile Dwelling) and P-2 (Community Facility) under the Timberlea/Lakeside/Beechville Land Use By-law (LUB). The R-3 Zone permits mobile dwellings, existing mobile home parks, single unit dwellings, and daycares for not more than fourteen children and business uses in conjunction with a permitted single unit dwelling. Open space uses and some institutional uses are also permitted. Any business uses must be wholly contained within the dwelling, which is the primary residence of the operator of the business, and it cannot occupy more than 25% or up to 300 square feet, whichever is greater, of floor area in the dwelling. The P-2 Zone permits a variety of institutional and open space uses including day care facilities, community centres, and educational institutions.

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 providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area. Letters were sent to 183 unique addresses. Thirteen responses were received from residents in the notification area.

Attachment C contains a copy of a summary of the feedback received. The feedback was generally supportive of the proposal. A few members of the public expressed they appreciate having access to a commercial garage in their community. One respondent expressed concern that there may be chemicals in the garage that are leaking into a nearby creek.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, 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 HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would allow the existing garage to remain a commercial garage and expand up to 5,000 square feet of floor area. The C-3 Zone also permits single unit dwellings, all uses permitted in the P-2 Zone, and a variety of other commercial

uses including retail stores, service and personal shops, dine-in restaurants, and medical, dental, and veterinary clinics.

LUB Amendment Review

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Rezoning to the C-3 Zone

In 1992, Council adopted Policy UR-20. This policy allows for the continued use of existing commercial and industrial properties within the Urban Residential Designation through the creation of a service business zone (C-3 Zone). These existing uses – which were previously identified as existing uses in an appendix in the 1982 land use by-law – were then individually identified on a list of permitted existing uses in the C-3 Zone.

Policy UR-20 states *“It shall not be the intention of Council to permit future rezoning to a service business zone within the Urban Residential Designation.”* Staff interpret this statement to mean that land designated Urban Residential could not be rezoned to C-3 today to enable the establishment of a new service commercial use.

The commercial garage at 209 Greenhead Road existed at the time the policy was adopted but it was not included on the list of existing uses. The process to have a business added to the list of existing uses was primarily reliant on self-identification. If a business owner was not aware of the planning process, their property could have been missed. While this rezoning application is happening in the future referred to in the policy, this application is to recognize a C-3 use in existence when the policy was adopted.

Conformity with the Requirements of Municipal By-laws and Regulations

There is a mobile home park located on the property north of the subject site. One of the mobiles dwellings, an attached deck, and a small accessory shed are encroaching on the subject site. Mobile dwellings are not permitted in the C-3 Zone. To avoid creating a non-conforming situation, the land where the encroaching mobile dwelling sits has been excluded from the rezoning. This was done in an effort to address Policy IM-12, which requires Council to give appropriate consideration that the proposal is in conformity with the requirements of the MPS and all other municipal by-laws and regulations when considering amendments to the land use by-law.

Environmental Concern Raised During Public Consultation

The feedback received during the public consultation about suspected chemicals in a nearby creek was forwarded to Nova Scotia Department of Environment (NSE). NSE is the government agency that has the authority to investigate concerns about watercourse contamination and to take the appropriate action to remediate the situation. NSE inspected the creek, determined it is a watercourse under their legislation, and advised no further investigation about the potential contamination was required.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise the proposal is reasonably consistent with the intent of the MPS. Policy UR-20 allows the continued use of existing commercial and industrial properties through the application of the C-3 Zone. The C-3 Zone permits service commercial uses with up to 5,000 square feet of floor area. The commercial garage at 209 Greenhead Road is an existing non-conforming use, but two recent additions made it non-compliant with municipal regulations. By recognizing it as an existing commercial use and rezoning the lands to C-3, the garage can be brought into compliance with municipal by-laws and regulations. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2020-2021 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

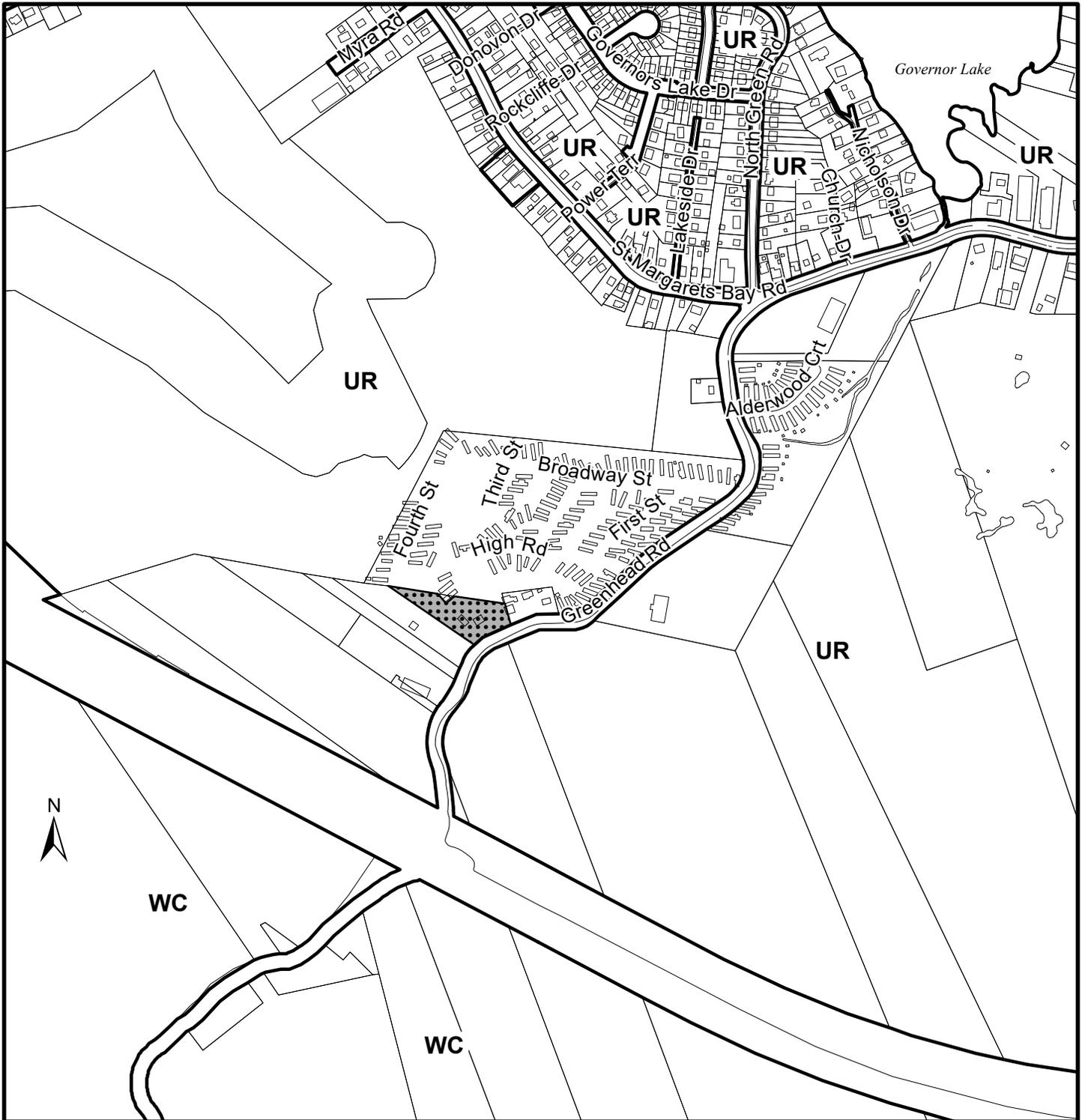
1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant Policies from the Timberlea / Lakeside / Beechville MPS
Attachment C:	Summary of Public Feedback

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Meaghan Maund, Planner II, 902.233.0726



Map 1 - Generalized Future Land Use

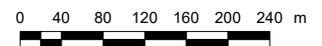
207 and 209 Greenhead Road,
Lakeside

HALIFAX

 Area proposed to be rezoned from R-3 (Mobile Dwelling) and P-2 (Community Facility) to C-3 (Service Business)

Designation

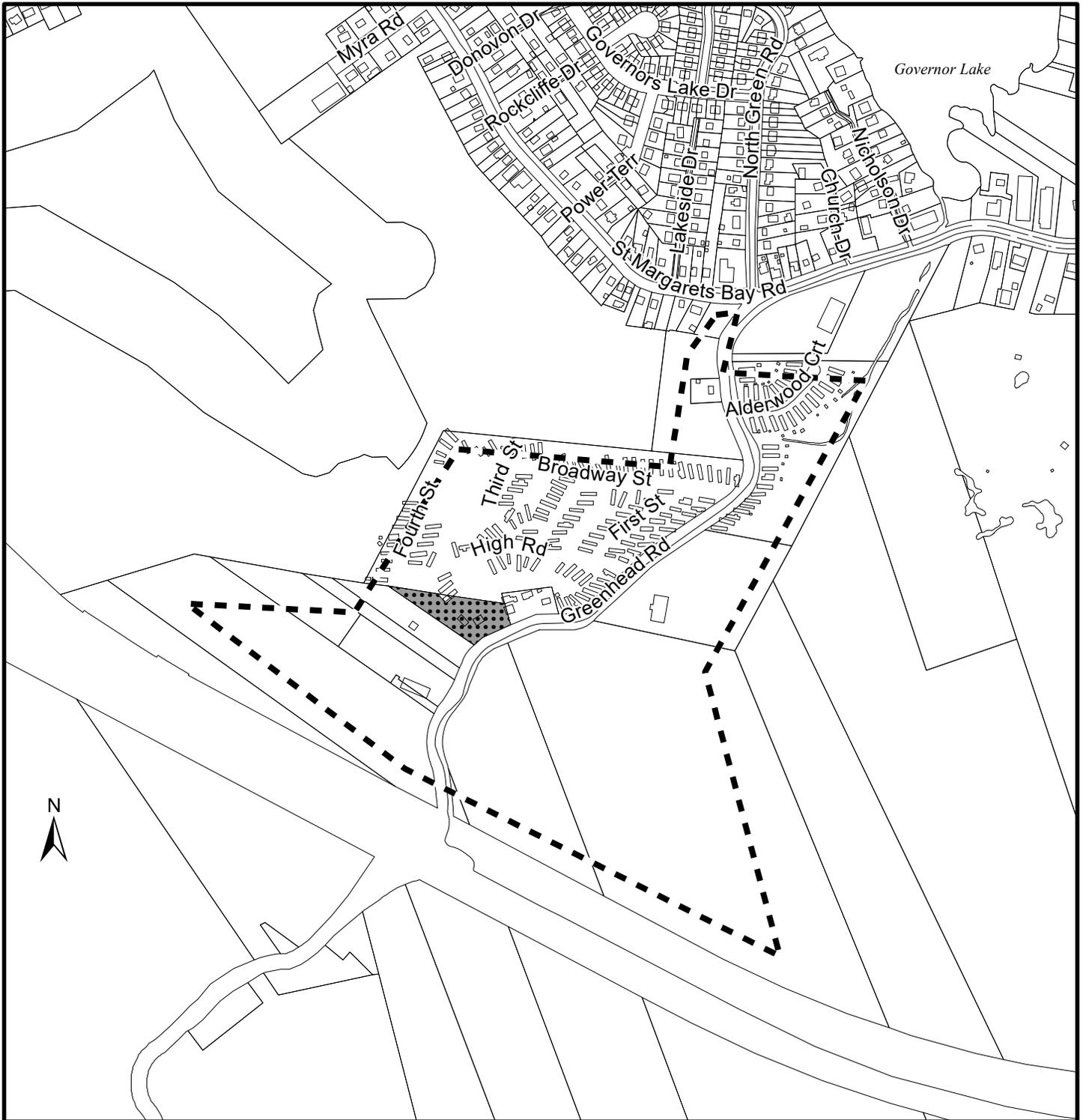
UR Urban Residential
WC Western Common



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 and Notification

207 and 209 Greenhead Road,
Lakeside

 Area proposed to be rezoned
from R-3 (Mobile Dwelling) and
P-2 (Community Facility) to
C-3 (Service Business)

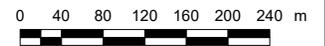
 Area of Notification

Timberlea/Lakeside/Beechville
Plan Area

Zone

R-1	Single Unit Dwelling
R-1A	Auxiliary Dwelling Unit
R-2	Two Unit Dwelling
R-3	Mobile Dwelling
R-4	Multi-Unit Dwelling
C-1	Local Business
C-2	General Business
P-1	Open Space
P-2	Community Facility
CDD	Comprehensive Development District
WC	Western Common Regional Park

HALIFAX



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

Proposed Amendment to the Land Use By-law for Timberlea / Lakeside / Beechville

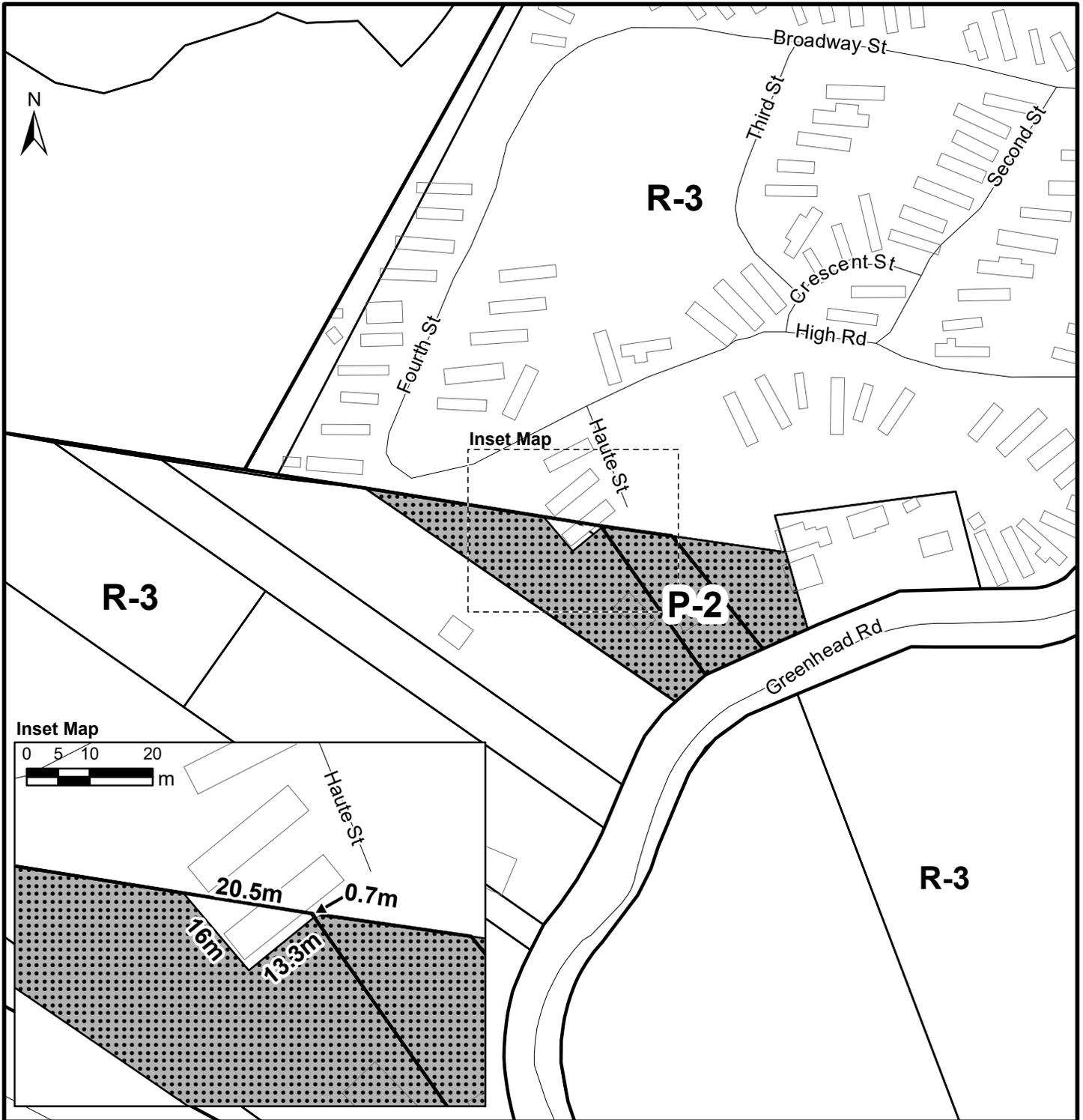
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea / Lakeside / Beechville is hereby further amended as follows:

1. Amend Schedule A, the Zoning Map, by rezoning a portion of the property identified as PID 40501561 from the R-3 (Mobile Dwelling) Zone and P-2 (Community Facility) Zone to the C-3 (Service Business) Zone, as shown on the attached Schedule A.
2. Amend Section 14.1 by adding the text shown in bold below to the bottom of the list of existing uses as follows:

<u>Use</u>	<u>LRIS Index</u> <u>Civic Address Number</u>
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
RJD Automotive	209 Greenhead Road 40501561

I, Phoebe Rai, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2020.

Phoebe Rai
Acting Municipal Clerk



Schedule A

207 & 209 Greenhead Road,
Lakeside

HALIFAX

 Area to be rezoned from R-3 (Mobile Dwelling) and P-2 (Community Facility) to C-3 (Service Business)

Zone
R-3 Mobile Dwelling
P-2 Community Facility



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

Timberlea/Lakeside/Beechville
Plan Area

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

Attachment B
Review of Relevant Policies from the Timberlea / Lakeside / Beechville MPS

Section III	
Urban Residential Designation – Existing Commercial and Industrial Uses	
Policy	Staff Comment
<p><i>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.</i></p> <p><i>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></p> <p><i>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 UR20” of</i></p>	<p>In 1982, the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) for Timberlea/Lakeside/Beechville came into effect. ‘Appendix B: Existing Uses’ formed part of this LUB. Those uses on the Appendix were deemed to have existed before the effective date of the Plan and could remain, resume operation if discontinued, and be replaced, rebuilt, or altered. The uses could only be expanded through a development agreement as per the policies of the MPS.</p> <p>Based on Statutory Declarations submitted as part of the application, the commercial garage on PID 00404566, in its original form, existed before 1982. The site has been zoned R-3 (Mobile Dwelling) since 1982 and does not permit commercial garages. The business was not on the list of existing commercial uses on Appendix B. The reason for this is unknown.</p> <p>During the review of the 1982 Plan in the late 1980s, from which the 1992 plan amendment was born, owners of the properties listed on Appendix B expressed a desire to be given commercial or industrial zoning. Municipal records indicate property owners wanted zoning rights which would give them a greater certainty around the ability to develop their business.</p> <p>Partially in response to this request, Policy UR-20 was created to establish the C-3 zone. The C-3 zone allows businesses in the Urban Residential Designation to expand up to 5,000 square feet as-of-right, subject to the zoning provisions. Several properties on Appendix B were rezoned to C-3 and individually identified as a permitted existing use. Other uses on the Appendix remained there, while others were rezoned to C-1 or removed completely. Minutes from the Committee of the Whole Meeting</p>

<p>ii) <i>the MPS as the area proposed for self-storage expansion; and, buildings of the existing self-storage facility to an overall maximum gross floor area of 41,500 square feet.</i></p>	<p>on July 6, 1992 state the properties on the Appendix given C-3 zoning were located on Bay Road. However, research indicates not all properties on the Bay Road received C-3 zoning, even if requested and were confirmed by the Department of Transportation to have stopping sight distance for commercial access.</p> <p>Based on research to date, there does not appear to be a set of criteria used to determine which properties on the Appendix were given commercial zoning in 1992. During the plan review, community members were invited to self-identify if they wanted commercial zoning. There is no evidence the property owner of PID 00404566 came forward to express their desire for commercial zoning. No new properties were identified as existing uses and added to the list of existing uses in the new C-3 zone in 1992.</p> <p>Staff have interpreted <i>“It shall not be the intention of Council to permit future rezoning to a service business zone within the Urban Residential Designation.”</i> as meaning it is not the intention of Council to permit an existing property in the Urban Residential Designation to be rezoned to C-3 to enable a new commercial use. In other words, this policy is not intended to enable new service commercial uses established after 1982. It has been accepted that the commercial garage on PID 00404566 is a business that existed prior to 1982. While this rezoning application is happening in the future referred to in the policy, the use was established before the policy came into effect. The policy does not prevent a property with an existing business to be rezoned to C-3.</p> <p>Any development on the site, including the two additions to the garage built without permits, would be subject to the C-3 zone requirements. Development of the site is regulated through the existing zoning provisions, which includes minimum setbacks and maximum lot coverage. There are no provisions in the C-3 zone to regulate outdoor display, open storage, parking areas, or buffering</p>
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	<p>from adjacent uses. The commercial garage is not greater than 5,000 square feet in floor area. Therefore, there is no requirement for a development agreement.</p> <p>The second paragraph of this policy is not applicable.</p>
<p>Section IV</p>	
<p>Implementation</p>	
<p>IM-10 <i>The following uses shall only be considered subject to the entering into of a development agreement:</i></p>	
<p>(a) <i>Within the Urban Residential Designation:</i></p> <ul style="list-style-type: none"> (i) <i>new mobile home parks or expansion of any existing mobile home park according to Policy UR-6;</i> (ii) <i>townhouse developments according to Policy UR-9;</i> (iii) <i>senior citizen housing according to Policy UR-10;</i> (iv) <i>medical clinics and day care facilities according to Policy UR-16;</i> (v) <i>residential care facilities according to Policy UR-17;</i> (vi) <i>expansion of service commercial uses, according to Policy UR-20; and</i> (vii) <i>any expansion of or change of use of existing commercial and industrial properties, according to Policy UR-22.</i> (viii) <i>expansion of the Halifax Sufferance Warehouse according to Policy UR-24.</i> 	<p>Policy UR-20 permits existing service commercial uses up to five thousand (5,000) square feet of floor area. A proposed expansion beyond 5,000 square feet may be considered according to the development agreement provisions of the Planning Act, subject to the criteria outlined in Policy UR-22. This application is not proposing to expand the floor area of the commercial garage beyond 5,000 square feet. Therefore, a development agreement is not required.</p>
<p>(b) <i>Within the Commercial Core Designation:</i></p> <ul style="list-style-type: none"> (i) <i>senior citizen housing according to Policy UR-10;</i> (ii) <i>residential care facilities, according to Policy UR-17;</i> (iii) <i>dwelling units in conjunction with commercial uses,</i> 	<p>This part of Policy IM-10 is not applicable as the subject lands are not within the Commercial Core Designation.</p>

<p>(iv) according to Policy CC-3; and shopping centres with a gross floor area in excess of 50,000 square feet, according to Policy CC-4; and</p> <p>(v) taverns and other commercial entertainment uses according to Policy CC-5.</p>	
<p>(c) <i>Within the Resource Designation:</i> (i) <i>extractive and/or bulk storage facilities associated with aggregate and mineral operations according to Policy RE-4.</i></p>	<p>This part of Policy IM-10 is not applicable as the subject lands are not within the Resource Designation.</p>
<p>IM-12 <i>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:</i></p>	
<p>(a) <i>that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</i></p>	<p>This application has been submitted in an effort to legalize two additions to an existing commercial garage. The two additions are not permitted in the R-3 zone; therefore, a development permit could not be issued to legalize them. The intent of this application is to rezone the lands to a zone that permits commercial garages – the C-3 zone. Once rezoned, the property owner would be able to apply for a permit to bring the garage into compliance with the land use by-law. Based on the plans submitted for this application, the garage would comply with the C-3 zone requirements.</p> <p>In the later stages of the planning application process, Nova Scotia Department of Environment (NSE) confirmed there is a watercourse near the rear of the property. NSE did not map the watercourse, so the proximity of the garage to the watercourse is unknown at this time. The Land Use By-law has watercourse buffer and setback requirements that apply to all zones. Confirmation the garage can meet the watercourse setbacks will be dealt with at permitting.</p> <p>There is a dwelling, two accessory buildings, and a pool on the property. A permit has been issued for</p>

	<p>the dwelling. At the time of the policy review, permits had not yet been issued for the two sheds and pool, but applications have been submitted and are being reviewed by staff. These structures are permitted uses in the C-3 zone. However, if staff determine these structures cannot comply with all applicable municipal regulations and by-laws, they will be dealt with accordingly.</p> <p>There is also a mobile dwelling and accessory shed encroaching on the property. The mobile is part of the mobile home park, and aerial imagery shows a mobile dwelling has been encroaching onto the property since before the effective date of the land use by-law. Mobile dwellings are not a permitted use in the C-3 zone, but they are permitted in the R-3 zone. The applicant has requested the lands where the encroaching mobile sit be excluded from the rezoning. This means a small portion of the property would remain zoned R-3.</p> <p>In summary, the proposal is in conformity with the intent of the MPS. If the property is rezoned from R-3 and P-2 to C-3, the expanded commercial garage will be a permitted use and the property owner will have the ability to bring the two illegal additions into compliance with the Land Use By-law. Based on the plans provided, the garage can meet the C-3 zone regulations. However, a complete review of the commercial garage, sheds, and pool against all applicable municipal regulations and by-laws will be done through the permit application process. If any structure is found to be non-compliant with any municipal regulation and by-law, it will be required to be brought into compliance.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of sewer and water services;</i></p>	<p>(i) The Municipality is not expected to incur any costs related to this development.</p> <p>(ii) The site is serviced with sewer and water services. No new development is being proposed with this application, except for the legalization of two additions to an existing commercial garage.</p> <p>Additional services are not required as a result of this development.</p>

<p>(iii) <i>the adequacy or proximity to school, recreation or other community facilities;</i></p> <p>(iv) <i>the adequacy of road networks leading or adjacent to, or within the development; and</i></p> <p>(v) <i>the potential for damage to or for destruction of designated historic buildings and sites.</i></p> <p>(vi) <i>the proposed means of handling storm water and general drainage within and from the development.</i></p>	<p>(iii) A commercial garage does not require services such as schools, recreation, or other community facilities. Therefore, there are no anticipated demands placed on such facilities from this development.</p> <p>(iv) The site is accessed via an existing HRM owned and maintained street. No new roads are being proposed with this application. The development is not anticipated to result in a significant increase in traffic and can be accommodated within the existing road network.</p> <p>(v) There are no designated historic buildings and sites near the subject site.</p> <p>(vi) Through the permit application process for the two additions, Development Engineering will review the application to ensure storm water and drainage regulations are satisfied.</p>
<p>(c) <i>that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p>(i) <i>type of use;</i></p> <p>(ii) <i>height, bulk and lot coverage of any proposed building;</i></p> <p>(iii) <i>traffic generation, access to and egress from the site, and parking;</i></p> <p>(iv) <i>open storage and outdoor display;</i></p> <p>(v) <i>signs; and</i></p> <p>(vi) <i>any other relevant matter of planning concern.</i></p>	<p>Should Community Council approve the rezoning request, the lands will be subject to the requirements of the C-3 zone.</p> <p>The Land Use By-law regulates the permitted uses and the height, floor area, lot coverage, and setbacks of buildings, as well as vehicular parking and signage.</p>
<p>(d) <i>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.</i></p>	<p>The application is to enable two additions to an existing commercial garage that have already been constructed. The site is not located within proximity to potable water supplies or marshes or bogs. The steepness of grades and soil and geological conditions are not of concern for this application.</p> <p>Later in the planning application process, NSE confirmed there is a watercourse near the rear of the subject site that travels through the adjacent</p>

	<p>Alderwood Subdivision. NSE did not map the watercourse so the exact location of the watercourse is unknown. The Land Use By-law has watercourse setback and buffer requirements that apply to all zones. Through the permit application process, staff will review the proposal for compliance with the watercourse setback regulations.</p>
<p><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</i></p>	<p>A holding zone has not been established on the subject site.</p>
<p>IM-13 <i>In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Planning Act.</i></p>	<p>The application will be brought to Council for First Reading. At First Reading, Council will decide whether they will hold a public hearing according to the provisions of the Planning Act.</p>

Attachment C: Summary of Public Feedback

Case 22617 – 207 & 209 Greenhead Road, Lakeside

Public consultation was conducted through a mailout to neighbouring properties and tenants. HRM postcards requesting comments and feedback were mailed during the week of May 25, 2020 to approximately 183 addresses within the notification radius. The postcards gave a brief overview of the proposal and directed interested parties to the HRM website where additional details about the application including a site plan and planning rationale were available. The postcards invited comments and requests for further information be forwarded to the HRM Planning staff contact at the bottom of the card.

Thirteen (13) responses were received from the residents within the notification radius – two (2) emails and eleven (11) phone calls. Of the feedback received all but one supports or had no concerns with the proposal.

Some of the respondents noted how valuable it is to have an auto repair garage in their neighbourhood. They appreciate being able to easily access such a service without having to travel outside of their community. A couple of callers pointed out the business does not create noise, and another stated the property is kept neat and the business does not create any issues.

Only one household highlighted concerns with the proposal. They have noticed the creek that runs through the neighbourhood has contaminants in it. They are concerned the contaminants originated at the auto repair shop. Nova Scotia Department of Environment has since become involved in the matter.

A summary of the comments has been included below with identifying information removed.

1. Call – May 29, 2020

The caller and their spouse fully support this application.

2. Call – May 29, 2020

The caller thinks this service greatly benefits the community. They are glad to have a service like this in their community. The caller supports this application.

3. Call – June 1, 2020

The caller wanted to clarify what property the application was for. Once advised of the address, the caller stated they have no comments or concerns about the request.

4. Call – June 1, 2020

The caller uses this business to have work done on their vehicles. The caller and their spouse have no issues with this application and support the request.

5. Call – June 2, 2020

The caller understands that the application is to be able to legalize what is there and supports the rezoning.

6. Call – June 2, 2020

The caller uses the business and likes having this service nearby. They are in favour of the rezoning and have no concerns with the request.

7. Call – June 2, 2020

The caller has no concerns with this request. The property owner keeps the property neat and does not cause any issues.

8. Email – June 2, 2020

“We have received the postcard to provide feedback on the subject rezoning proposal. My wife and I have lived here for [...] years and we have no objection to this proposal. We appreciate your efforts in consulting us.”

9. Call – June 3, 2020

The caller has no concerns with this request and supports the application.

10. Call – June 3, 2020

The caller has no issues with this application.

11. Email – June 6 and 12, 2020

June 6, 2020

“This is in response to the invitation received to provide feedback by June 29, 2020 on the Proposal to Rezone Lands Case 22617 situated in our neighbourhood of Lakeside NS.

It has been our intention to contact the City of Halifax regarding the situation we have experienced in the last 3 years of residing in this community. Our property is located in Lakeside, and our lot is near a natural spring creek, which was one of the reasons for purchasing our unit. Unfortunately, after moving in we were disappointed to find that the creek continues to be used as a dumping ground for chemical residue of all kinds. One of the significant chemicals has been grease and oil, as well as soap suds and other garbage. There is a lot of animal life around the area, including domestic pets, and we were particularly concerned to find dead birds in the water, obviously surmised from drinking from the creek. In addition, children in the park we live in will frequently play around the water, and we were advised by a tenant of a child in the community becoming sick from doing so. Unfortunately, new families move in who are not aware of the serious issue with the water and the danger it poses.

In an attempt to source the contaminants, we followed up the creek and were surprised to find a non-identified garage operating on one of the lots with significant vehicles on the lot, vehicle lift in the garage, tires on the property, etc. It became conclusive that this would be the source of the grease and oil, and possibly soaps we keep finding in the creek. It is noteworthy that this creek would feed into nearby waterways as well as the new golf course development situated next to our park.

As this is the property that applies to the rezoning request to legalize this business, which has been operating for several years, before rezoning can be approved it is imperative for an investigation to be done to confirm the source of these contaminants so that an end may be put to the dumping and its impact on the environment, animals, and individuals in the area. Once stopped, inspections would be necessary to ensure ongoing compliance as well. It would also

be pertinent for postings to be put up of bylaws pertaining to illegal dumping of contaminants in natural waterways and the repercussions to those doing so.

We are therefore requesting that these comments be included as public feedback to this proposal. In addition, we will be submitting this information to the provinces' Dept. of Environment for their information/action as well.

Thank you for the opportunity to provide our feedback to this pending proposal, given the impact of such a business in the community.”

June 12, 2020

“We do understand as per the notice this action is to address two currently illegal additions on the commercial property. Since your actions will formalize the expansion of this commercial operation, we thought it pertinent to address its impact on the environment and subsequently the community given the process underway.

We will as noted be bringing the situation with chemical dumping in the waterway to the attention of the Dept. of Environment given the impact on wildlife and children who play at the creek.”

12. Call – June 8, 2020

The caller expressed that they really appreciate having the property owner in their neighbourhood. They use the auto service and find the owner very helpful. The business does not create any noise. The caller and their partner fully support this application.

13. Call – June 12, 2020

The caller stated the business is tucked away and does not create any noise. The business provides a valuable service to the neighbourhood. The caller and their partner support the proposal.