



MUNICIPALITY OF THE DISTRICT OF LUNENBURG

REPORT TO: Planning Area Advisory Committee.
SUBMITTED BY: Douglas Reid and Jeff Merrill
DATE: January 24th, 2019.
RE: Development Agreement Application
Snowcreek BDS / MBW Courier Services - #204 Cornwall Road, Blockhouse

RECOMMENDATION

The Blockhouse Area Advisory Committee on January 9, 2019 made a recommendation to the Planning Advisory Committee by passing the following motion:

That Council enter into a Development Agreement with Municipal Enterprises Ltd, to allow for the proposed change of use, at civic address #204 Cornwall Road, Blockhouse, to permit for the development of a courier services facility, subject to identified conditions being included in any proposed Development Agreement, as presented in the Policy Criteria Chart and Staff Report to the Blockhouse Area Advisory Committee.

ATTACHMENTS:

- A Policy Criteria Chart
- B Applicant Site Plan & related Schematics (*as submitted*)

REPORT ORIGIN.

A Development Agreement application from Snowcreek Building Design Solutions, on behalf of the identified property owner (**Municipal Enterprises Ltd.**), pertaining to a proposed Courier Services facility, to be located at civic address #204 Cornwall Road in Blockhouse, was received by Planning & Development Services on October 25th.

#204 Cornwall Road (PID #60218625) is a developed lot. The property is zoned Rural in the Blockhouse Plan Area and is subject to the Blockhouse Land Use By-law. The property is currently listed on By-law Schedule "B", with the existing use listed as: site preparation contractors. The "developed" area of the lot serves as a holding yard for equipment and related materials used for off-site construction -related activities. Where the proposed development is resulting in a change of use, and not an expansion of the existing use, it does not proceed by way of a Site Plan Approval application. Instead, where there are size threshold requirements in the By-law for new commercial uses, per s.5.2.1 & s.5.2.3, and it is identified where this development proposes to exceed the maximum total area on a lot (1,858 square metres) identified in regulation, such a development is permitted in Blockhouse by way of a Development Agreement.

The proposed use is associated with **MBW Courier Services**, a company owned by Municipal Enterprises Ltd. The applicant proposes to construct a new 298 square metre (3,200 square foot) building to operate as a warehousing depot for local courier trucks to pick up and deliver packages to customers in the region. The property would also act as a site for the local public to directly drop off and pick up packages. It is not the type of use being proposed that requires the Development Agreement process with Council, but the fact that the change of use would occupy a total area (existing cleared area on lot being 11,000 square metres) larger than the By-law's identified size threshold (1,858 square metres) This distinction is considered relevant, in consideration of the potential impacts of the applicant's proposal, in addressing relevant policy statements found in the Blockhouse Planning Strategy.

On November 13th, Council referred the application to the Blockhouse Area Advisory Committee. On December 4th, a Public Information Meeting was held in the community. Further information on the information meeting is found under the "Public Participation" section of this Report. The Blockhouse Area Advisory Committee met on January 9, 2019 and accepted staff's recommendation passing the above noted recommendation to the Planning Advisory Committee.

Staff has prepared a draft Development Agreement (attached) based on the Blockhouse Area Advisory Committee recommendation.

BACKGROUND.

Authority

The Municipal Government Act allows municipalities to regulate maximum areas of a proposed use as part of its land use by-law [s.220(4)]; to consider developments by way of development agreement, on matters identified in the relevant planning strategy [s.225]; and to determine the specified terms of development agreements [s.227].

Property Details

#204 Cornwall Road was in active industrial use prior to Council's adoption of a Land Use By-law in Blockhouse. Municipal Enterprises purchased the parcel in 1994. At that time, the previous owner had been using the parcel for gravel extraction and the production of asphalt. The existing commercial use of the property is listed in By-law Schedule "B", where the property is presently associated with supporting Municipal Enterprises ongoing off-site construction-related activities. The "developed" area of the property serves as a holding yard for equipment or in storing related construction materials. There is also an office trailer in use. The commercial driveway entrance off Cornwall Road is asphalted and gated. This driveway is located approximately 70 metres north from the Highway 103 Exit 11 interchange (westbound off-ramp) and is across from a driveway entrance to a gas station and restaurant.

The property is approximately 10.5 acres in size, being somewhat triangular / trapezoid in shape, having longer property lines along the south and eastern boundaries than found to the west or north. Approximately 2.5-3 acres of the lot can be considered "developed." This cleared area is rectangular-shaped, and is approximately 340 feet across at its widest, and 420 feet long (*again, at its widest - the rectangle narrows at the driveway's point of entry*) to equal an approximate total area of over 120,000 square feet, or more than 11,000 square metres. The cleared area is set back approximately 140 metres from the entrance, with existing vegetation serving to screen the "developed" area from both the adjacent residential property, and from the road. The lot has several properties adjacent, or in proximity to it:

- to the north, a large undeveloped resource property which has been clear-cut;
- to the east, two undeveloped properties - one being the parcel associated with an unsuccessful Development Agreement application (Halifax C&D Recycling), the other parcel being a triangle-shaped heavily wooded lot immediately adjacent to Highway #103;
- to the south, Highway #103;
- to the northwest, adjacent to the property, a residential property (**216 Cornwall**);
- across Cornwall Road, to the west, a commercial gas station & restaurant (**199 Cornwall**);
- further north along Cornwall Rd, there are several residences and two active commercial operations (an Auto Body shop / a Forestry -related operations & warehouse)

The applicant is proposing to construct a new building structure in the middle of the cleared area, dimensions being: 80 feet by 40 feet. (3,200 square feet, or 298 square metres) There would also be identified alterations immediately adjacent to this proposed building, to serve as new loading bays to be located on three sides of the building, and an improved parking area developed on the remaining fourth (front) side of the building. The front portion of the building (20' by 40') would serve as office space, washrooms, and an area for the public to pick-up / drop-off packages. The

back portion (40' x 60') will serve for warehousing / sorting area, with truck bays for both local courier trucks and regional delivery trucks. The building's appearance and design follows its primary function as a distribution facility.

No outbuildings or accessory structures have been identified on site plans submitted to the Municipality. Since the information meeting, a set of revised plans identified the location of security fencing to ring the existing cleared area of the lot, and the location of lighting poles on the perimeter, to face the building. The applicant has also provided the Municipality with storm water management -related information, including the proposed development of a swale to be located on the south and eastern edge of the cleared area, designed to catch additional run-off resulting from the proposed construction. The applicant has also determined that the cleared area does not have to be asphalted.

The cleared portion of the lot (to include the portion of land where the proposed building footprint will be) is considered relatively flat. Land elevation is lower towards the southeast corner of the property, in the undeveloped area adjacent to Highway 103. There are no watercourses or wetlands identified on the By-law's Development Constraints Map (Schedule C) on the property. There is existing vegetation between the cleared portion of the lot and all four adjacent property lines. This vegetative cover is less extensive to the north property line than is found to either the west or to the east. See **Appendix B** for mapping & information pertaining to the property, including site plans provided by the applicant, in terms of the layout of the proposed development.

DISCUSSION.

Intent of Policy

As stated with past Development Agreement applications in Blockhouse:

Existing land use regulations allow for a variety of commercial, industrial, resource or residential uses to develop on all property, throughout the community. There is no formalized separation of one form of use (i.e. residential) from a different form of development. (i.e. commercial) All property owners in Blockhouse would understand that use of their property, and that of adjacent or neighbouring properties, may be developed for a wide variety of possible uses, subject to a list of restricted developments, and the list of prohibited uses.

The intent of establishing a size threshold requirement in the By-law - but to allow for new commercial development to exceed such a threshold by way of a Development Agreement - provides the opportunity for Council to assess "...how larger scale developments fit into the planning area." (p.10 of the **Blockhouse Planning Strategy**) It allows Council to consider how that particular use may develop on that parcel.

Accounting for size of use matters, in that a new development can potentially generate greater impacts based on its scale. The Development Agreement process provides the Municipality with opportunity to determine if there are consequential impacts with a specific proposal, as presented to them, based on aspects as may be associated with scale, or the specified location of the proposed development activity. Where it is possible, Council can also look to potentially mitigate aspects, by the identification of certain conditions, to be placed in the Agreement.

In this case - as was the case with the change of use of the former Mahone Auto Sales & Service property in 2015 - the applicant's proposal is to re-purpose what is an existing commercial space to another use. The proposed change of use from construction -related activities to a courier services facility would include a new structure, but it is not the size of the proposed building which triggered the Development Agreement process, but is, rather, that the existing cleared area on the lot, as used presently for construction activities, is more than the By-law threshold.

Conformance with Policy

All Development Agreement applications require a review of relevant policy identified in Part 8 of the Blockhouse Planning Strategy. A Criteria Chart, referencing specific Policies considered with respect to this application, is found in table format as **Appendix A**. Staff's review would make note of the following matters:

Site alterations re: storm water management. -Policy 8.1.3(b)(v)-

Where there is an expectation that a new structure, and accompanying loading and parking areas, will be at a scale to require site alterations, staff is proposing a condition in the Agreement with respect to storm water management. The applicant has provided information with respect to potential additional stormwater run-off resulting from construction. Revised site plans now include the placement of a swale along the east & south edges of the existing cleared area, to address any potential additional storm water resulting from the construction / site alterations.

Suitability of on-site servicing. -Policy 8.1.3(b)(iii) & Policy 8.1.4(h)-

Where there are no central services, an applicant is required to develop sufficient on-site services, per NS Environment regulations. At present: the site has an on-site system that was approved by NS Environment for development in 2010. The applicant is proposing to continue to use this existing system. An attestation of the present system's suitability will be required prior to receiving a Building Permit from the Municipality for the proposed new structure.

Maintenance of existing vegetation / trees for screening. -Policy 8.1.4(c) & 8.1.4(d)-

While the size of the existing cleared area on the lot to be used is relatively large, there is also existing screening located along all four property lines. Staff is proposing that as a condition of the Development Agreement, that this existing vegetative screening is to remain in place, so that the proposed development does not alter or reduce the natural barrier acting as a potential buffer for sound, light, and dust.

Coordination for effective emergency access. -Policy 8.1.3b-vi-

As a condition to be included in Agreement, the applicant is to coordinate with the Blockhouse Fire Department, following the site's development, to ensure there is a plan for safe access and knowledge of site particulars by the local fire protection services. (*pre-plan assessment*)

Proposed Agreement Conditions. -Policy 8.1.5, 8.1.4(b), & 8.1.4(i)-

Development Agreements can include conditions defined as substantive and non-substantive. Substantive conditions are those which the applicant or Municipality cannot change, without requiring a subsequent Public Hearing process. Staff is proposing that the following substantive conditions be included in any Agreement:

- Permitted uses of the property (*constraint on any future change of use*);
- Maximum area of the permitted use (*constraint on future expansion*);
- Specified location of any / all proposed structures. (*identified on Site Plan*)

Staff is recommending that non-substantive conditions, associated with the following matters, be included in any Agreement:

- General site maintenance, to include conditions of parking and commercial driveway access; (*standard condition identified in past Agreements*)
- Identification and description of fencing, signage and lighting elements; (*identified on Site Plan*);
- Management of stormwater initiated by site alterations, per identified measures; (*above*);
- Maintenance of existing vegetation for screening purposes on the property; (*above*)
- Coordination with local Fire Department on emergency access & response plan (*above*).

As noted above: staff sought input from external agencies, including the Blockhouse Fire Department, in reviewing policy considerations. Comment from both NS Environment and NS Transportation was sought, with respect to the potential impacts associated with the change of use. No concerns were cited by either department with the proposal.

Process - Public Participation

Property owners within 305 metres of #204 Cornwall Road were sent notice by mail on November 14th, 2018 of a Public Information Meeting that took place on **December 4th**. This initial Notice and the December meeting allowed staff to provide information directly to interested citizens regarding the proposal. Notices were also provided to citizens via the Blockhouse e-notice list serve, and the Municipality's website's calendar.

Approximately 10 citizens attended the December 4th meeting, including members of the Blockhouse AAC, and a reporter from the local newspaper. Comments and questions by the public in attendance included the following:

- allowance for possible future expansion of the identified use, so that the Municipality's Development Agreement process would not need to be repeated should business proceed successfully;
- concerns identified with truck noises in overnight or early morning hours (safety beeps associated with reversing vehicles, trucks idling);
- concerns identified with site lighting - location of lighting, direction, shielding;
- applicant's motivations in moving from the existing Bridgewater site;
- questions concerning time / process for consideration of a Development Agreement application;
- estimated length for any future construction activity on-site; and
- public access to the site for direct parcel drop-off.

Following the information meeting: the applicant made identified revisions to the site plan, to note both the type and location of any new lighting associated with the proposed development. (See site plan, **Appendix B**) It is also noted where the existing use on the property has lighting installed near to the existing office trailer.

In consideration of comments respecting proposed operational activities during overnight hours (truck noise):

The applicant has stated where the number of regional delivery trucks that would be arriving on the property during early morning hours (i.e. before 6.00am in the morning) was **two**. "Regional delivery trucks" are identified as those trucks which deliver packages to the site to be processed for local delivery from service centres in Halifax or from other locations.

The remainder of proposed business operations would not start on the property prior to 6.00am-6.30am, at which time staff would arrive on site to begin the process of unloading the regional trucks, sorting packages in the warehouse, and loading the local trucks for delivery. Local delivery trucks would not leave the site until 7.00am, and any public access to the site would also not begin before 7.00am. The Applicant, since the public information meeting, has switched the buildings layout so the regional loading bays are now on the opposite side of the building than the adjacent residential use. The Applicant has also confirmed that the backup alarms on the trucks are set to the 82 dBA range and not the 120 dBA setting.

It is noted where the arrival of regional delivery trucks would occur for a Courier Services use irrespective of the scale of the proposed development. Planning staff also considers that the Municipality would not look to have any proposed Agreement interfere with requirements associated with provincial occupational safety regulations.

At the Blockhouse Area Advisory Committee meeting the Applicant was asked to clarify if hazardous materials would be stored on-site. The Applicant has advised that the facility would not have large quantities of hazardous materials on the site. The facility is not a warehouse but a transfer site where goods are received and shipped out to clients

either the same day or the next day. In the case of holding hazardous materials for next day shipping the materials would be stored in a lockable cabinet with all necessary signage.

CONCLUSION.

The intent in requiring larger-scaled proposals to be considered by way of Development Agreement, - in this case, a change of use of an existing commercial property already in use - allows Council to determine whether the proposed use generates an unacceptable level of conflict by its scale or location, or where there can be conditions identified in an Agreement to mitigate possible concerns, and allow for the proposed use to proceed on a specified property.

Staff considers the proposed development can be successfully integrated in the Blockhouse community. Council's policy recognizes that the Blockhouse Plan Area is a rural community which can accommodate a wide mix of potential residential, commercial and industrial uses. Courier services are not identified as a Restricted Development - meaning such a use could be developed on any property in the Plan Area, subject to the By-law size thresholds.

In this case: the proposal is to see a change of use occur to a pre-existing cleared area of land that is larger than 20,000 square feet (1,858 square metres). This existing cleared space is located in the middle of a 10.5 acre sized property that is immediately adjacent to Highway 103. An approved commercial entrance to the property exists off Cornwall Road, and provides access to the cleared area, which is set back from the road by approximately 140 metres. There is an identified area of vegetative screening on all four sides of the cleared area. Not many properties in the Plan Area would provide this pre-existing development scenario.

It is staff's opinion that allowing for a change of use of this particular parcel is consistent with Council policy on controlling new large-scaled commercial developments, with any potential impacts as may be associated with a Courier Services use, or with the property in particular, being mitigated through the conditions in a Development Agreement, described in this Report / Appendix A.

ALTERNATIVES / OPTIONS.

The Planning Advisory Committee has a number of options in making any recommendation:

[1] They can recommend that a proposed Development Agreement with Council be approved, subject to specified conditions and provisos, as identified in this Report.

[2] They can recommend that a proposed Development Agreement with Council be approved, and that it be subject to additional conditions beyond those cited in this Staff Report, or subject to revised conditions. Advisory Committee members may consider what changes are to be identified, that would be in addition to, and/or preferred alternatives, to what staff has presented.

[3] They can recommend that an agreement not be approved by Council, and that it is the Planning Advisory Committee's recommendation that the Development Agreement application be denied.

[4] They can refer the matter back to the AAC for further review; or

[5] They can defer a recommendation until such time as the Advisory Committee considers further information, to be presented to them by the applicant / staff / external agencies. Committee members would outline what information is considered necessary that requires a possible deferral.

