
538 Pleasant Street, Dartmouth (PID# 00228361)

**Rezoning Application
Project Rationale**

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TABLE OF CONTENTS

1.0 Introduction.....	4
1.1 OSCO Concrete and Aggregates Limited (OCAL)	4
1.2 A Ready-Mix Facility.....	4
1.3 Why a Ready-Mix Facility in this Location?.....	4
1.4 Provincial Environmental Regulations (Industrial Approval).....	6
2.0 Proposed Site and Neighbourhood Compatibility.....	7
2.1 Halifax Harbour Designation - HRM Regional MPS.....	7
2.2 Compatibility	7
2.3 Ocean Ready-Mix Example.....	8
2.3 Existing Neighbourhood	12
2.4 Traffic.....	12
3.0 Policy rationale.....	13
4.0 Conclusion.....	14

APPENDIX A - Concordance Table

1.0 INTRODUCTION

The report provides rationale for the proposed rezoning of 538 Pleasant Street, Dartmouth (PID #0028361) from Commercial (C-2) to General Industrial (I-2). Transitioning this property to Industrial is consistent with the character of Pleasant Street as well as the Regional Municipal Planning Strategy. 538 Pleasant Street is within 0.5 km of the terminus of Highway 111. Pleasant Street in this area has a high volume truck route and is heavily traveled by local and regional industrial and commercial truck traffic.

The rezoning is being sought in order to enable the construction and operation of a concrete ready-mix facility in the Eastern Passage Area. Concrete is a perishable product that should be mixed close to the location of its intended use, and the proposed location satisfies this requirement.

1.1 OSCO Concrete and Aggregates Limited (OCAL)

OCAL is the second largest ready-mix company in Atlantic Canada, operating 11 ready-mix plants across the three provinces. The company maintains Atlantic Concrete Association Certification on all its plants and has full time safety and environmental staff based in Halifax. In Nova Scotia, OCAL concrete plants operate under an Industrial Agreement issued by the province. These agreements define all environmental and other regulations that must be adhered to in order to remain in operation.

1.2 A Ready-Mix Facility

Concrete can be made to meet many unique applications. Each concrete type is the result of a recipe ('mix') which is a precise combination of water, cement, sand, aggregate, and chemical additives. For example, a specific mix will create a high-strength concrete for load-bearing applications, while another mix will create a concrete that can be installed underwater for repairing piers and wharves.

A ready-mix facility is a highly automated industrial kitchen, where materials are stored, measured and mixed for clients. Inside the building, a mix recipe is programmed into a computer. The factory uses automatic scales to weigh the dry ingredients, measure volumes of water and liquid additives, and then directly loads them into the concrete truck's drum. Inside the truck drum, the ingredients are mixed together. Concrete additives are stored in containers following proper material handling protocols. Outside of the building, the site layout will have employee and truck parking, a wash station for trucks, sand and aggregate piles, and appropriate stormwater management.

1.3 Why a Ready-Mix Facility in this Location?

The locations for ready-mix facilities requires a careful consideration of multiple factors. With respect to the proposed Pleasant Street Location, there are no ready-mix plants in that area of Dartmouth. Locating these plants in underserved areas equates to reductions in greenhouse gas emissions as the trucks would be loaded closer to their destinations. The closer the product is to the destination equates to less kilometres driven and, therefore, less fuel burned, and less wear and tear on roadways.

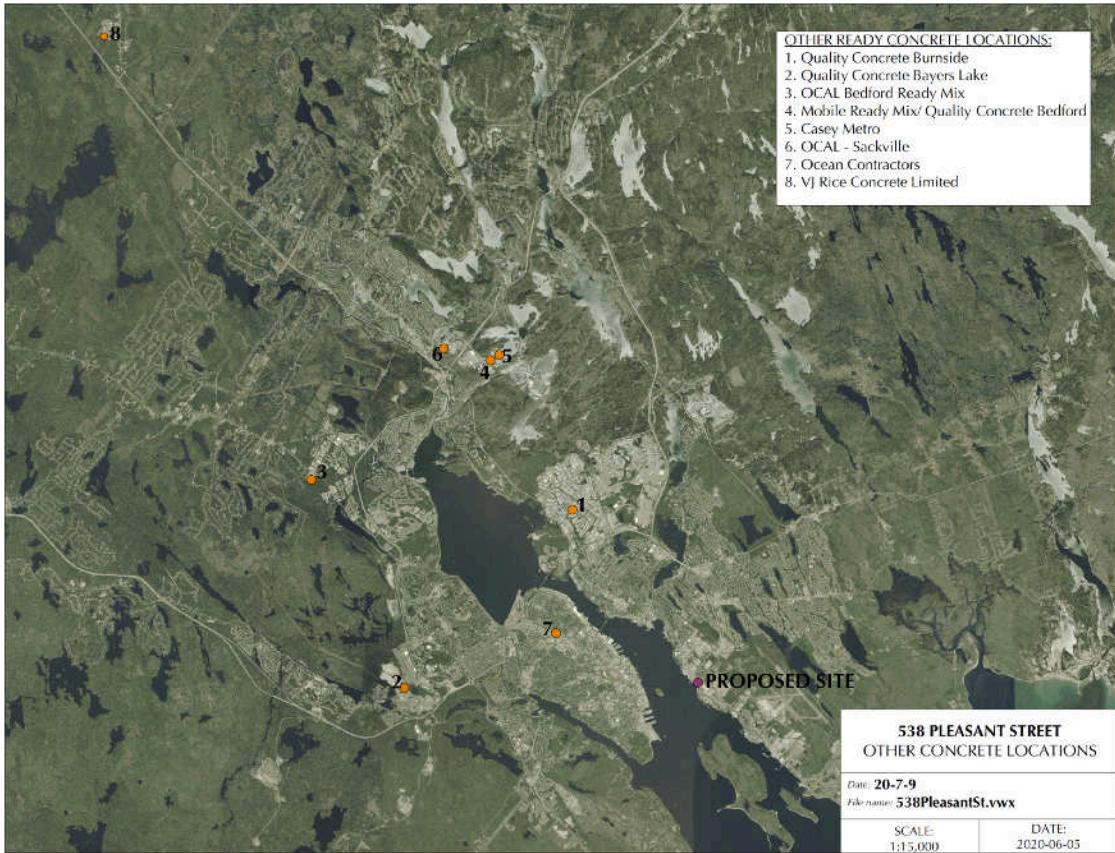
Concrete is a local building product, with all ingredients coming from within a 100km radius. Another benefit relating to locating ready-mix plants close to destinations is that the reduction in kilometres driven reduces the amount of time that the trucks are on the road, resulting in a reduction in risk of collisions and traffic accidents with other vehicles.

Concrete is a perishable product. It must be produced close to its point of use so it does not harden prematurely, and usually a 30 minute drive is preferred. A related benefit for the proposed plant is that it will provide a local discharge point for wash water currently dumped on sites due to the lack of this type of facility in this area. Currently, when trucks deliver concrete and there is no wash out facility close enough, concrete is washed out at the construction site. The preferred, and more environmentally sustainable method, is to wash out the trucks at a purpose built wash out location.

The following is a list of existing ready-mix plants in metro and their proximity (drive distance) to the proposed site:

- Ocean Contractors (6070 Stanley Street, Halifax, NS B3K 5N1) - 15.8km
- Quality Concrete Burnside (18 Macdonald Avenue, Dartmouth, NS, B3B1C5) - 11.2km
- Quality Concrete Bayers Lake (HorseshoeLake Dr, Halifax) - 17.6km
- OCAL Bedford Ready Mix (414 Bluewater Rd, Bedford, NS B4B 1J3) - 25.5km
- Mobile Ready Mix/Quality Concrete (25 Mann St, Bedford, NS B4A 2W4) - 22.0km
- Casey Metro (89 Mann St, Bedford, NS B4A 2W4) - 22.1km
- OCAL Sackville (17 Estate Dr, Sackville Industrial Park, Lower Sackville, NS B4C 3Z2) - 23.2km
- VJ Rice Concrete Limited (70 Martha Ave, Mt. Uniacke, B0N 1Z0) - 37.0km

The nearest location to the proposed site is the plant in Burnside operated by Quality Concrete. We have placed these ready-mix facilities on the following map:



Existing Ready-Mix Facilities in Context with the Proposed Site

1.4 Provincial Environmental Regulations (Industrial Approval)

Unlike many of the uses allowed under C-2 zoning, the construction, operation and any future decommissioning of the proposed concrete ready-mix facility will be regulated by Nova Scotia Environment under the Industrial Approval Process. The Industrial Approval will set site-specific requirements including noise, dust control, stormwater management and controls for groundwater/surface water protection. This layer of provincial regulation brings the benefit of additional inspection and oversight that other similar uses would not.

2.0 PROPOSED SITE AND NEIGHBOURHOOD COMPATIBILITY

Halifax Harbour is one of the most important harbours in the world. It is an important cultural and tourism asset for the Province. It is also an essential port of call for shipping. According to the Port of Halifax¹, the harbour generates \$13.45 billion dollars annually in direct economic benefit for the Province of Nova Scotia, and 13,600 jobs. Serving both the cargo and cruise markets, the harbour is connected to 150 countries, and is, therefore, an important strategic and economic asset.

2.1 Halifax Harbour Designation - HRM Regional MPS

The proposed site is located within the Halifax Harbour Designation under the HRM Regional Plan. The designation is created and defined through several policies (EC-12 to 14), and in the preamble to Section 5.3.4 the Regional Plan states:

Halifax Harbour plays a strategically important economic role to HRM and the Province of Nova Scotia for shipping, ship building, naval operations and other port related industries. HRM seeks to ensure that sufficient lands are retained for these purposes and that the viability of these activities is not compromised by development of incompatible uses in their proximity.

2.2 Compatibility

Protecting the harbour industrial uses through the location of compatible adjacencies is provided for in Policy EC-14. This policy recognizes that residential uses can pose difficulties for these important industries:

EC-14 When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to harbour related industrial uses, consideration shall be given to the potential for nuisances and compatibility issues and the importance to HRM in protecting the viability of the marine related industrial uses.

Policy EC-14 in the Regional Plan clearly places the priority on marine industrial uses when assessing applications. In other words, this policy places the focus of this area on industrial uses, and adjacent uses that may create a situation where incompatibilities are set up. The industrial lands that ring the edge of the harbour are of Provincial and Municipal importance, and is where the important economic activity takes place. Protecting these lands from incompatible uses is embedded in the Halifax Harbour Designation, and is why providing for transition buffering uses on the edge of these lands is valuable. Transition uses, in this context, are lower intensity, lower impact industrial and commercial uses, which is exactly what a ready-mix facility is. The proposed ready-mix facility is compatible with both the adjacent harbour industrial lands that surround it to the west, as well as the commercial and residential properties on the east side of Pleasant Street.

Please see Section 3 and Appendix A of this document for more specifics on policy rationale.

¹ Fact Sheet | Port of Halifax. (n.d.). Retrieved June 11, 2020, from <https://www.portofhalifax.ca/about-us/resources/fact-sheet/>

2.3 Ocean Ready-Mix Example

In many ways, the existing Ocean Ready-Mix facility on Stanley Street in Halifax is a comparable facility in size and neighbourhood, and zoning context. In fact, the proposed Pleasant Street neighbourhood is less residential and the site itself is slightly larger than the Stanley Street site.

The Ocean Ready-Mix site is bordered by commercial properties of the Kempt Road/Robie Street/Massachusetts Avenue arterial corridor on one side, with its many businesses and associated traffic, while on the other is a typical Halifax residential neighbourhood (R-2). The reference ready-mix



Stanley Street View Locations



View 1 - Facility view, looking north.



View 2 - Looking Northwest from Residential on Massachusetts

facility straddles both, taking advantage of the excellent truck access while transitioning into existing residential. This is a strikingly similar context as found at 538 Pleasant Street in Dartmouth. The images below show views of the reference facility and how it fits into the existing neighbourhood.

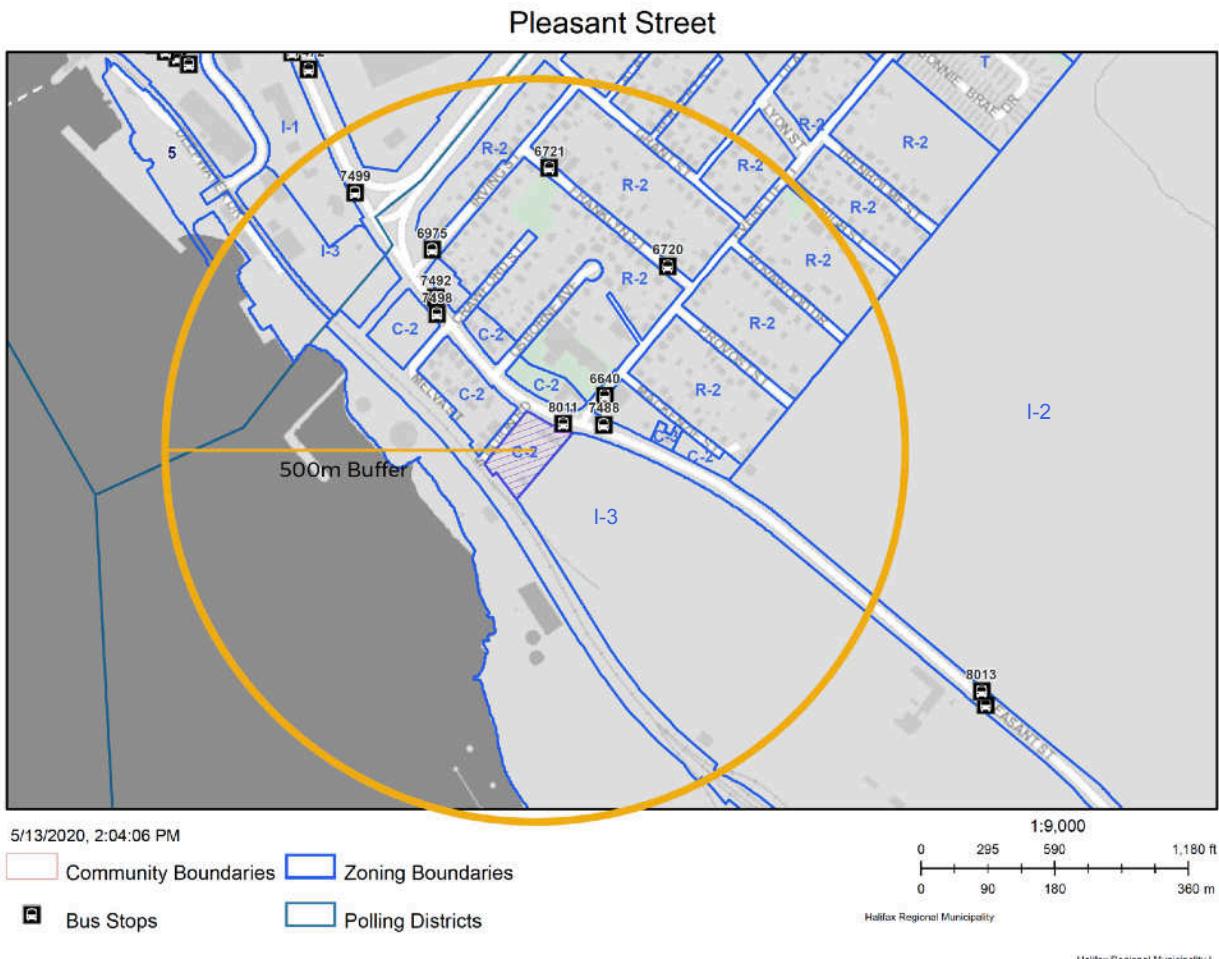


View 3 - Upper driveway showing adjacent Residential.



View 4 - Looking east from Kempt Road towards Massachusetts Avenue.

The zoning plan (below) shows the existing land use zoning and a 500m radius circle facility for context.



Zoning Map with 500m Radius Circle from the Proposed Site



Proposed Site (top) and Ocean Ready-Mix example (bottom)

To aid in understanding the context, the preceding plan view shows the existing reference ready-mix facility context (bottom) along with the proposed facility (top) to highlight the similar neighbourhood context.

2.3 Existing Neighbourhood

538 Pleasant Street is currently zoned C-2 Commercial and is embedded in an area of industrial character. A variety of general and harbour industrial uses are adjacent to houses and commercial uses. A concrete plant provides a buffer to higher intensity industrial uses, like those found in the adjacent I-3 zone at the Pleasant Street Site. Having lower intensity industrial uses provides the opportunity for transition. In fact, throughout HRM, other ready-mix facilities are located in similar industrial transition areas. For example, the Ocean ready-mix facility referenced previously is located across the street from a large residential neighbourhood as it transitions from a mixed industrial and service commercial area.

Adjacent properties to 538 Pleasant Street include:

- Automotive repair
- Oil terminal
- Laundry and dry-cleaners
- Pizza shop
- Elementary school
- Automotive sales

Within 500 m of the project site are the following zones and uses:

Commercial (C-2)

- Tattoo parlour
- Auto repair
- Social Services
- Single Family Residential
- School
- Restaurant
- Dry Cleaners
- Auto Sales and Salvage

- Imperial Oil Terminal
- Irving Oil Terminal
- Propane Distribution
- Thrift Store
- Restaurants
- Gas Station
- Pharmacy
- Bank
- Local Industrial
- Woodside Ferry

Industrial (I-1, I-2, I-3)

It is proposed to construct and operate a concrete ready-mix facility at 538 Pleasant Street certified by the Atlantic Concrete Association, and in compliance with the Nova Scotia Environment Act and its regulations.

2.4 Traffic

The property at 538 Pleasant Street has been owned by Superior Propane since the 1960's and was used as a propane storage and truck distribution facility. Large tanker trucks and smaller distribution trucks have been accessing the site through Pleasant Street, and the proposed concrete plant will do so as well. It is anticipated that the volume of truck traffic visiting the ready-mix facility will be less than when the site was in operation as a propane distribution facility.

3.0 POLICY RATIONALE

This section provides a summary of the rationale. An itemized concordance table is provided in Appendix A.

Rezone C-2 to I-3 - Industrial Uses on the 538 Pleasant Street Property are Appropriate

Dartmouth MPS Policy IP-1 enables a rezoning without plan amendment, if it is to a zone adjacent to the subject property. In the case of 538 Pleasant Street, I-3 Harbour Industrial is an adjacent zone.

The importance of industrial land and protecting its function is included in the objectives of both the Regional MPS and Dartmouth MPS. Where HRM has identified land for industrial uses, as is the case on Pleasant Street, land use by-laws are to minimize conflicts with existing and future uses in the vicinity. As the immediate surrounding properties of 538 Pleasant Street are Commercial or Industrial, a rezoning would not change the buffer to the residential areas of Woodside. The I-3 Industrial Zone, like all Industrial zones in HRM, include restrictions such that industrial uses are not ‘obnoxious’ to surrounding properties.

Industrial zoning accounts for a significant amount of the Pleasant Street corridor. Traffic impact from industrial uses is identified by the Dartmouth MPS as the most common negative (‘obnoxious’) interaction of an industrial site onto its surrounding area. In the case of 538 Pleasant Street, Pleasant Street is already a major arterial, truck route, and already has high truck volumes. The redevelopment of the property will not constitute an obnoxious use to the adjacent properties or surrounding areas in this context.

Rezone I-3 to I-2 - A Concrete Ready-Mix Facility is Appropriate for 538 Pleasant Street

Dartmouth MPS Policy IP-1 enables a rezoning without plan amendment within a generalized land use category (‘Industrial’— a change from I-3 to I-2) provided that it is in keeping with the policies of the MPS.

538 Pleasant Street is requested to be rezoned to I-2 General Industrial in order to allow for the operation of a ready-mix concrete facility. The I-3 designation does not represent a difference in intensity of industrial used from I-2, such as the subject property, but rather is meant to protect Harbour-based industrial land and uses. An I-3 designation on a land-locked parcel may limit reinvestment. An I-2 zoning is appropriate for 538 Pleasant Street, as it will better protect the industrial uses on the adjacent properties and is consistent with the industrial character of the area.

Industrial uses (I-2), such as the proposed ready-mix facility, will not be an obnoxious use that negatively impacts the surrounding area. Truck traffic leading to and from the site will be along Pleasant Street, an existing truck route. Other site operations will be regulated by Nova Scotia Environment, and the site will continue to be subject to standard HRM by-laws (eg. noise).

4.0 CONCLUSION

Thank you for considering this application for the rezoning of 538 Pleasant Street from Commercial (C-2) to Industrial (I-2). This rezoning, if permitted, will enable a proposed ready-mix concrete facility at 538 Pleasant Street. Its construction, operation and any future decommissioning will be regulated by Nova Scotia Environment under the Industrial Approval Process.

OCAL is a proud operator, and follows in-house environmental practices in addition to NSE requirements and maintains certification with the Atlantic Concrete Association.

We believe that the proposed rezoning will maintain reinvestment in the Woodside area and is in alignment with the Dartmouth and Regional Municipal Planning Strategies.

APPENDIX A - Concordance Table

Table 1: Regional MPS

Policy	Commentary
EC-5. Where HRM has identified lands that may be suitable for industrial uses, amendments to secondary planning strategies and land use by-laws shall be initiated to allow for the intended uses and to ensure that these lands remain available while minimizing conflicts with existing or future incompatible uses in the vicinity.	538 Pleasant Street is adjacent to Industrial Harbour properties.
EC-12. HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway paralleling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The Designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.	Rezoning 538 Pleasant Street to I-2 is consistent with the general vision for the Harbour Industrial uses.
EC-13. Within the Halifax Harbour Designation, HRM shall establish zoning under applicable land use by-laws and apply the zone on lands where existing harbour related industrial uses are located and lands or water lots determined by HRM to be suitable for these uses in the future. Corresponding land use regulations will be established under the applicable land use by-laws. Amendments to applicable land use by-laws may be made to: (a) allow for additional lands or water lots for harbour related industrial uses that have not been previously been identified where such lands are considered appropriately situated for these uses; (b) implement regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial and commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses; and (c) discourage new residential development from locating in areas that abut lands designated for intensive marine dependent industrial and commercial uses.	Zoning of 538 Pleasant Street as I-2 will continue to mitigate potential negative interactions from Harbour Industrial uses to adjacent properties while maintaining the economic viability of marine-dependent uses.
EC-14. When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to harbour related industrial uses, consideration shall be given to the potential for nuisances and compatibility issues and the importance to HRM in protecting the viability of the marine related industrial uses.	The proposal is for rezoning from commercial to industrial. There is no conflict.

Policy	Commentary
<p>E-22. HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the by-law requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.</p>	The site is not within 3.8 m elevation CGVD 28.

Table 2: Dartmouth MPS

Policy	Commentary
Policy M-1, M-2. Industry is generally classified as heavy or light. Heavy industry is that which, because of noise, smoke, dust or fumes can be obnoxious to its neighbours. If at all possible, heavy industry should not be located near residential uses. There is, however, one feature which makes most industries a nuisance to residential areas - traffic. Many firms generate heavy truck traffic while others require rail access to successfully operate. Industries should therefore be located so as to minimize the impact of traffic on residential areas	Industrial operation of a ready-mix concrete facility is regulated through NSE. The site noise, smoke, dust, or fumes are not obnoxious. Truck traffic leading to and from the site will utilize Pleasant Street, an already established truck route.
Policy M-1. It shall be the intention of City Council to permit new industrial development only in the North Dartmouth/South Dartmouth industrial areas and to a limited extent on the waterfront between Macdonald Bridge (RC-Oct 2/01;E-Oct 31/01) and Tufts Cove.	Site is adjacent to the South Dartmouth industrial area. The South Dartmouth industrial area surrounds the properties on the south side of Pleasant Street.
Policy M-2. It shall be the intention of City Council to locate new industry and relocate existing industry within planned and serviced areas zoned for industrial purposes.	The area surrounding 538 Pleasant is built out, fully planned and serviced.
Policy M-4. It shall be the intention of City Council to oppose the placing of obnoxious industries in the South Dartmouth Industrial Park and shall discourage the provision of rail facilities to the park.	Precedence of location of other ready-mix concrete facilities confirm that they are not considered ‘obnoxious use.’
Policy M-6. It shall be the intention of City Council to protect the areas shown on Map 3 as harbour oriented uses for future industrial uses related to the harbour.	The properties surrounding 538 Pleasant which have harbour access have all been zoned for Harbour Industrial.
Policy IP-1(b) Generalized Land Use (...) Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan. An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.	Rezoning from Commercial to I-3 to I-2 is allowed to be considered without a plan amendment (i.e., rezoning) by Council, provided that the other policies of the MPS are met.
32B COASTAL AREA (RC-June 25/14;E-Oct 18/14) 32B(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). 32B(2) (...)	The property is not within a 3.8 m elevation.