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Item No. 10.1.1
North West Community Council
June 13, 2016
July 11, 2016
August 8, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: May 30, 2016

SUBJECT: **Case 20154: Land Use By-law Amendment for 800 Sackville Drive, Lower Sackville**

ORIGIN

Application by Crombie Development Limited

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Sackville Drive Land Use By-law, as contained in Attachment A of this report, to permit Drive-thru Restaurants and Motel/Hotel/Guest Homes in the DC-1 (Downsview Complex-1) Zone, and schedule a public hearing; and
2. Adopt the amendment to the Sackville Drive Land Use By-law, as contained in Attachment A.

BACKGROUND

Crombie Developments Limited is applying to amend the Sackville Drive Land Use By-law (LUB) to allow the development of a hotel and a drive-thru restaurant within the DC-1 (Downsview Complex 1) Zone. The Sackville Drive Secondary Planning Strategy (SPS) allows for the proposed uses to be considered within the DC-1 Zone, provided the uses are consistent with SPS policies.

Subject Site	800 Sackville Drive, Lower Sackville (Map 1)
Location	South side of Sackville Drive, East side of Beaver Bank Road, within Downsview Complex shopping area
Regional Plan Designation	US - Urban Settlement
Community Plan Designation (Map 1)	DB - Downsview Beaver Bank
Zoning (Map 2)	DC-1 (Downsview Complex-1) Zone DC-3 (Downsview Complex-3) Zone
Size of Site	4.4 Hectares
Street Frontage	208 Metres
Current Land Use(s)	3 commercial buildings
Surrounding Use(s)	Service station, parking lot to the north; Vacant property to the east; Shoppers Drug Store and A & W restaurant to the west; and Canadian Tire and Sobeys shopping complex to the south

Proposal Details

The applicant wishes to redevelop portions of the Downsview commercial plaza. The major aspects of the proposal are as follows:

- Demolition of the former Staples building and a portion of the multi-unit commercial building, formerly containing 'Dollarama'. Demolition is complete;
- Construction of one or two commercial buildings in the former location of the Staples building, one containing a restaurant and associated drive-thru; and
- Construction of a 5 storey hotel.

Enabling Policy and LUB Context

The DC-1 (Downsview Complex-1) Zone of the property currently allows shopping centres containing many commercial uses, the majority of which are also permitted in the DC-3 (Downsview Complex-3) Zone. There are a few uses in the DC-3 Zone that are not permitted in the DC-1 Zone, such as transit terminals, service stations, residential uses, as well as the requested motel/hotel/guest homes and drive-thru restaurants.

Policy DB-4 of the Sackville Drive SPS allows Council's consideration of this proposal. Detailed evaluation of the proposal in accordance with the policy is included as Attachment B. The policy encourages consideration of a broad range of uses, and promotes increased density and commercial infilling, in order to continue the revitalization of the Downsview Complex, and to attract consumers to the area.

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. The public comments received were limited to one

instance of concern regarding a perceived loss of competitive advantage and one letter of support for the proposal.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendments. 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 proposal will potentially impact local residents and nearby property owners.

DISCUSSION

Staff has reviewed the proposal in accordance with all relevant policies and advise that it is consistent with the intent of the SPS. Attachment A contains the proposed amendment that would allow drive-thru restaurants and hotels within the DC-1 Zone.

LUB Amendment Review

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

Permitted Uses

The proposed LUB amendments would permit the applicant to develop a hotel, and a drive-thru restaurant on the subject property. Any use listed in the zone is subject to the site plan approval process with the exception of internal renovations with no external renovation or modifications. The site plan approval process requires that the developer satisfy conditions to the satisfaction of the Development Officer prior to a permit being issued. Aspects addressed by site plan approval in the case of this application include vehicular access control, pedestrian safety and landscaping. Should Council choose to approve the LUB amendment, the site plan approval process would be the next step. Following the review and approval of a site plan by the Development Officer, a permit application could then be made.

Traffic Impact

The traffic impact statement submitted in support of the application indicates that there is negligible impact from the redevelopment on the surrounding street network. The study has been reviewed and accepted by staff. The site plan approval requirements of the LUB include measures to improve the pedestrian linkages of the site, such as including a change of colour, texture or material of crosswalks, sidewalks and trails to bring vehicular attention to them, and landscaping requirements to provide a pleasant pedestrian experience.

Implication on Other Properties

The DC-1 Zone only applies to the subject property and one adjacent property, as shown on Map 2. If approved, the proposed amendment would allow for the development of a drive-thru restaurant and hotel on the subject property as well as on the one other property zoned DC-1, provided all applicable requirements of the LUB are met.

Planning Advisory Committee

On February 2, 2016, the North West Planning Advisory Committee (PAC) recommended that the application be approved with consideration of the additional traffic the proposal would bring to Downsview Drive and that the internal circulation and access of the Downsview complex be pedestrian-friendly, as required by policy.

Response to the concerns of PAC are contained within the Traffic Impact paragraph above.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the SPS. The addition of the uses to the DC-1 Zone provides for a broader range of uses for the site, and the controls of the site plan approval process will require the appropriate controls on the redevelopment proposal to ensure that the landscaping and pedestrian linkages are appropriately provided. Therefore, staff recommends that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations arising from development associated with the LUB amendment. The administrative costs associated with processing this planning application can be accommodated within the approved 2016/17 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendation contained within this report. This application may be considered under existing SPS policies. Community Council has the discretion to make decisions that are consistent with the SPS, 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 amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed LUB amendment with modifications. This may require further negotiation with the applicant and may require a supplementary report and an additional public hearing. A decision of Council to approve this LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed agreement is not reasonably consistent with the SPS. A decision of Council to refuse the proposed LUB amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

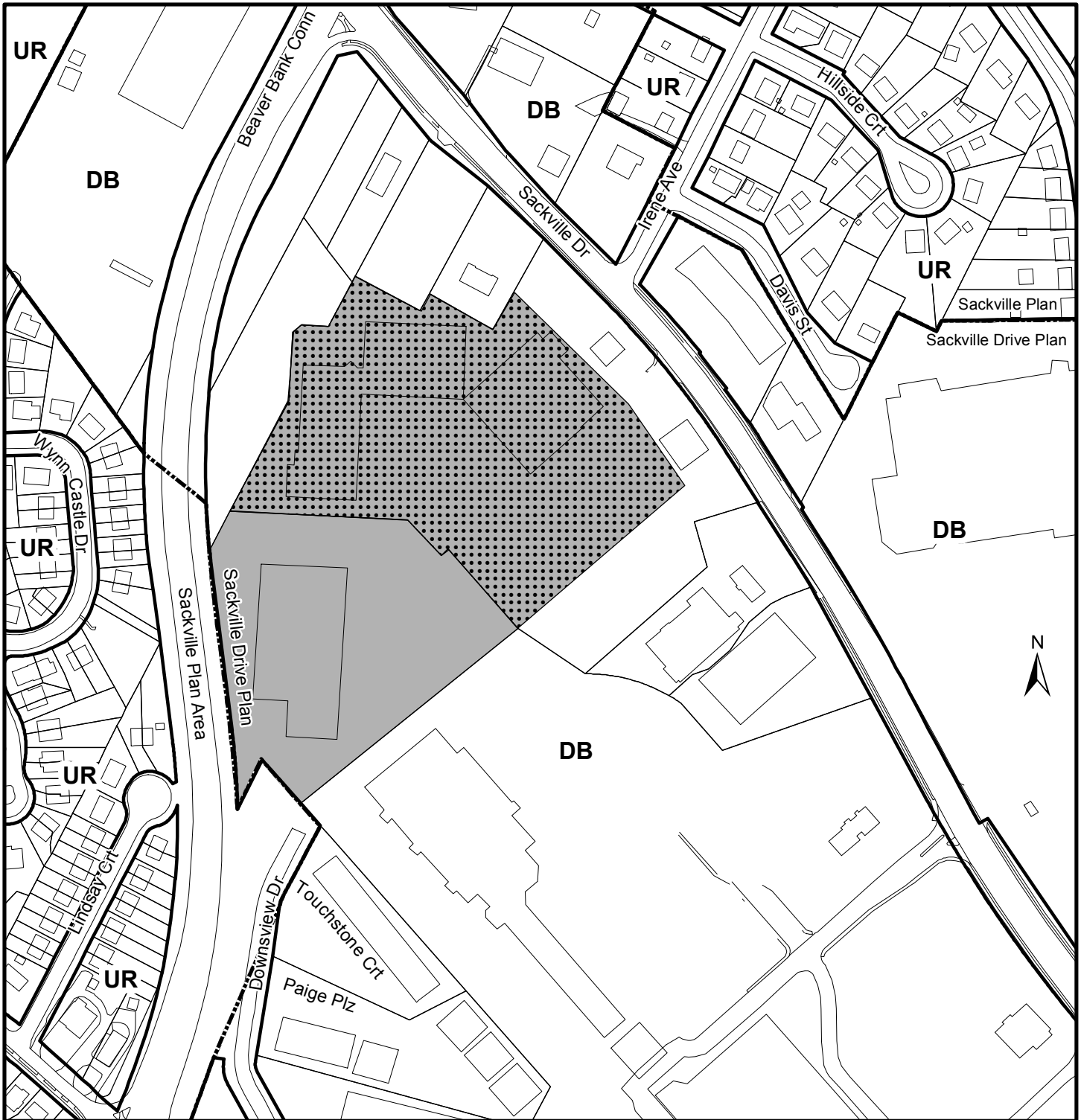
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Land Use By-law Amendment
Attachment B	Excerpts from the Sackville Drive SPS: Policy Evaluation
Attachment C	DC-1 (Downsview Complex 1) Zone

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

Report Prepared by: Erin MacIntyre, Planner II, 902.490.6704

Original Signed




Report Approved by: _____
Kelly Denty, Manager, Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

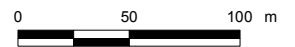
800 Sackville Drive,
Sackville

HALIFAX

-  Area Specific to this Application
-  Area of Proposed Land Use By-Law Amendments
-  Plan Area Boundary

Designation

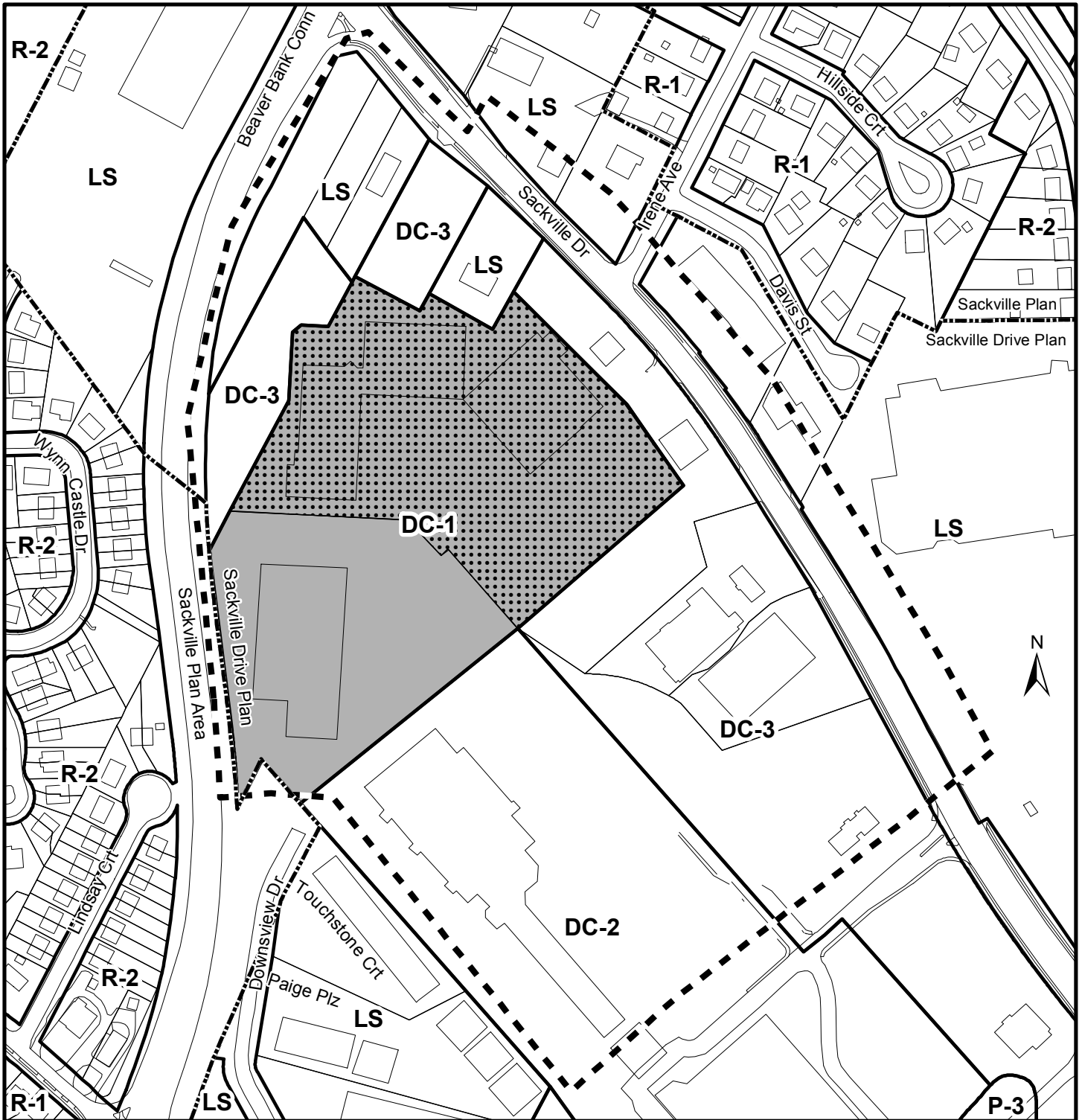
- Sackville DB Downview/Beaver Bank Drive
- Sackville UR Urban Residential



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.

Sackville Drive Secondary Plan Area



Map 2 - Zoning and Notification

800 Sackville Drive,
Sackville

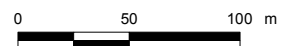
-  Area Specific to this Application
-  Area of Proposed Land Use By-Law Amendments
-  Area of Notification
-  Plan Area Boundary

Sackville Drive Secondary Plan Area

Zone

Sackville	LS	Large Scale Commercial
Drive	DC-1	Downsview Complex -1
	DC-2	Downsview Complex -2
	DC-3	Downsview Complex-3
	P-3	Floodplain
Sackville	R-1	Single Unit Dwelling
	R-2	Two Unit Dwelling

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 Amendments to the Sackville Drive Land Use By-law

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Drive Land Use By-law is hereby further amended as follows:

1. In Part 9, Section 1, by inserting text shown in bold, as follows:

No development permit shall be issued in any DC-1 (Downsview Complex-1) Zone except for the following:

Uses

- Shopping Centres containing any of the following uses:
 - Retail Stores
 - Food Stores
 - Offices
 - Service and Personal Service Shops
 - Health and Wellness Centres
 - Banks and Financial Institutions
 - Restaurants (full service and take-out)
 - Commercial Entertainment Uses
 - All Age/Teen Club
 - Commercial Recreation Uses
 - Garden Market associated with Retail Stores
 - Bakeries
 - Automotive Repair Outlets in conjunction with retail store
 - Educational Institutions (including commercial schools)
 - Denominational Institutions excluding cemeteries
 - Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
 - Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, and gallery
 - Day Care Facilities
 - Community/Recreational Centre

- **Commercial Uses:**
 - **Motel/Hotel/Guest Home**
 - **Restaurants (full service, drive-thru and takeout)**

- Big Box (Large Box Retail) containing any of the following uses:
 - Retail Stores
 - Food Stores
 - Offices
 - Service and Personal Service Shops
 - Health and Wellness Centres
 - Banks and Financial Institutions
 - Restaurants (full service and take-out)
 - Commercial Entertainment Uses
 - All Age/Teen Club

- Commercial Recreation Uses
- Garden Market associated with Retail Stores
- Educational Institutions (including commercial schools)
- Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited

- Community Parkland and Facility uses

Uses Permitted by Site Plan Approval

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the North West Community Council of Halifax Regional Municipality held on the day of , 2016.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 2016.

Municipal Clerk

ATTACHMENT B:

Excerpts from the Sackville Drive SPS: Policy Evaluation

Policy Criteria	Comment
<p><i>Policy DB-4</i> <i>Within the Downsview-Beaver Bank Designation, Downsview Complex Zones 1, 2 and 3 shall be established and applied to the lands shown on Schedule B. The Zones shall facilitate a comprehensive approach to shopping centre redevelopment by encouraging: a broader range of land uses; increased density; commercial and residential infilling; improved internal vehicular and pedestrian movement and improved accessibility to the site. Within the Zones, permitted uses shall include, but not be limited to, commercial, institutional, community, and residential uses, including new multiple dwelling uses. All uses in existence of as May 7, 2002, shall be permitted. Site Plan Approval shall be required for all uses, excluding internal renovations with no external renovation or modifications, within the Downsview Complex Zones 1, 2 and 3. Site Plan approval criteria and general provisions shall be established in the Land Use By-law to regulate the: location of all building and structures; location, number and width of driveway entrances; location of parking and loading facilities; type, location and height of walls, fences, hedge; the location of shrubs groundcover or other landscaping elements; retention of existing vegetation; location of walkways and all other means of pedestrian access; type and location of outdoor lighting; location of service easements; grading and alteration for the management of stormwater and surface waters; type, location and number of signs or sign structures; location of solid waste facilities; maintenance; and architectural controls.</i></p>	<p>The policy encourages redevelopment of sites such as that which is proposed. The addition of Motel/Hotel/Guest Homes and Drive-thru restaurants to the DC-1 Zone furthers the policy intent to encourage a broad range of land uses. As the proposal is part of a redevelopment, there is no proposed or required adjustment to the internal vehicular and pedestrian movement and accessibility of the site. The Traffic Impact Statement indicates that there will be a negligible impact on the surrounding road network resulting from the site's redevelopment. Site Plan Approval requirements are currently outlined in the Land Use By-law and no changes are required to address this proposal.</p>

Case 20154 – Attachment C: Downsview Complex (DC-1) Zone

Part 9: DOWNSVIEW COMPLEX-1 (DC-1) ZONE

Permitted Uses

1. No development permit shall be issued in any DC-1 (Downsview Complex-1) Zone except for the following:

Uses

- Shopping Centres containing any of the following uses:
 - Retail Stores
 - Food Stores
 - Offices
 - Service and Personal Service Shops
 - **Health and Wellness Centres (NWCC-May 26/05;E-May 28/05)**
 - Banks and Financial Institutions
 - Restaurants (full service and take-out)
 - Commercial Entertainment Uses
 - **All Age/Teen Club (NWCC-May 26/05;E-May 28/05)**
 - Commercial Recreation Uses
 - Garden Market associated with Retail Stores
 - Bakeries
 - Automotive Repair Outlets in conjunction with retail store
 - Educational Institutions (including commercial schools)
 - Denominational Institutions excluding cemeteries
 - Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
 - Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, and gallery
 - **Day Care Facilities (RC-Mar 3/09;E-Mar 21/09)**
 - Community/Recreational Centre
- Big Box (Large Box Retail) containing any of the following uses:
 - Retail Stores
 - Food Stores
 - Offices
 - Service and Personal Service Shops
 - **Health and Wellness Centres (RC-Apr 12/05;E-May 7/05)**
 - Banks and Financial Institutions
 - Restaurants (full service and take-out)
 - Commercial Entertainment Uses
 - **All Age/Teen Club (RC-Apr 12/05;E-May 7/05)**

- Commercial Recreation Uses
- Garden Market associated with Retail Stores
- Educational Institutions (including commercial schools)
- Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited

- Community Parkland and Facility uses

Uses Permitted by Site Plan Approval

2.
 - Shopping Centres
 - Big Box (Large Box Retail)

Lot Provisions

3.

Minimum Lot Area.....	2,787 m ² (30,000 ft ²)
Minimum Lot Frontage.....	18.3 m (100 ft)
Minimum Front/Flankage Yard Setback.....	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Rear Yard Setback.....	0 m (0 ft) unless otherwise specified in this Bylaw
Minimum Sideyard Setback.....	0 m (0 ft) and 18.28 m (60 ft) where abutting any residential zone or use, unless otherwise specified in this Bylaw
Maximum Lot Coverage.....	80 %
Number of Driveways.....	One per lot with frontage less than 30.5 m (100 ft)

SITE PLAN APPROVAL

4. No development permit shall be issued for a shopping centre or a big box (large box retail) in the DC-1 (Downsview Complex-1) Zone prior to the Development Officer granting Site Plan Approval. Applications for site plan approval shall be in the form specified in Appendix A. All applications shall be accompanied by a plan or sketch of sufficient detail to address all of the matters identified in this Section. Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building, **internal renovations with no external renovation or modifications to an existing building, (RC-Apr 12/05;E-May 7/05)** or any signage associated with a change in use or occupancy.
5. Where provisions of the Site Plan Approval conflict with Part 6 and Part 7, the Site Plan Approval provisions shall prevail.

General Requirements for Site Plan Approval: Shopping Centres and Big Box (Large Box Retail)

6. All shopping centres (including expansions) within the Downsview Complex-1 (DC-1) zone shall be subject to the approval of a Site Plan.
7. The Development Officer shall approve a site plan where the following matters have been addressed:
 - (1) a left-hand turn lane stall to allow easy left turns from the mall as generally shown on Schedule C;
 - (2) safe pedestrian linkages connecting the Mall to the parking lots, public transit system, the Plaza and Sackville Drive. The pedestrian linkages may be a combination of crosswalks, sidewalks and trails. Paint striping to accentuate these areas shall be prohibited;
 - (3) at intersections, crosswalks and main building entries, a change in sidewalk color, texture, raised or material shall be utilized. Paint striping to accentuate these areas shall be prohibited;
 - (4) sidewalks along the entire front facade of the building (i.e. Downsview Mall);
 - (5) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of the building (i.e. Downsview Mall) and a means of (a) providing a pleasant pedestrian atmosphere, (b) a natural buffer between the parking lot and the sidewalk and (c) minimize scale of the building;
 - (6) landscape elements including but not limited to light poles, furniture clusters, seating, trees, shrubs and planter boxes, are provided in clusters/groupings along Sackville Drive in the area identified on Schedule C. Each cluster/group contains a minimum of one (1) benches, one (1) light, one (1) street tree with a combination of small shrubs, planters and other landscape elements;
 - (7) street trees identified in Appendix B are provided along both sides of Walker Connector thoroughfare at a rate of one (1) tree for every 50 feet as a means of minimizing visual impact of the large parking lot;
 - (8) a ground sign at the intersection of Walker Connector and Sackville Drive is provided. The ground sign shall incorporate a pedestrian shelter, community bulletin and seating area. The ground sign shall comply with all applicable signage regulations with the except of sign area and may be excluded from the permitted total number of signs requirement; and
 - (9) all of the items required by this policy shall be adequately maintained.