

HALIFAX

**Case 20290: Amend existing
Development Agreement to allow
liquor sales in Sobeys Food Store,
80 First Lake Drive,
Lower Sackville**

**North West Community Council
(Public Hearing)**

Nathan Hall, Planning Intern

June 13, 2016

80 First Lake Drive



Polara Dr

Quinn Dr

Lakehead Ct

Quaker Crescent

Lake Dr

First Lake Dr

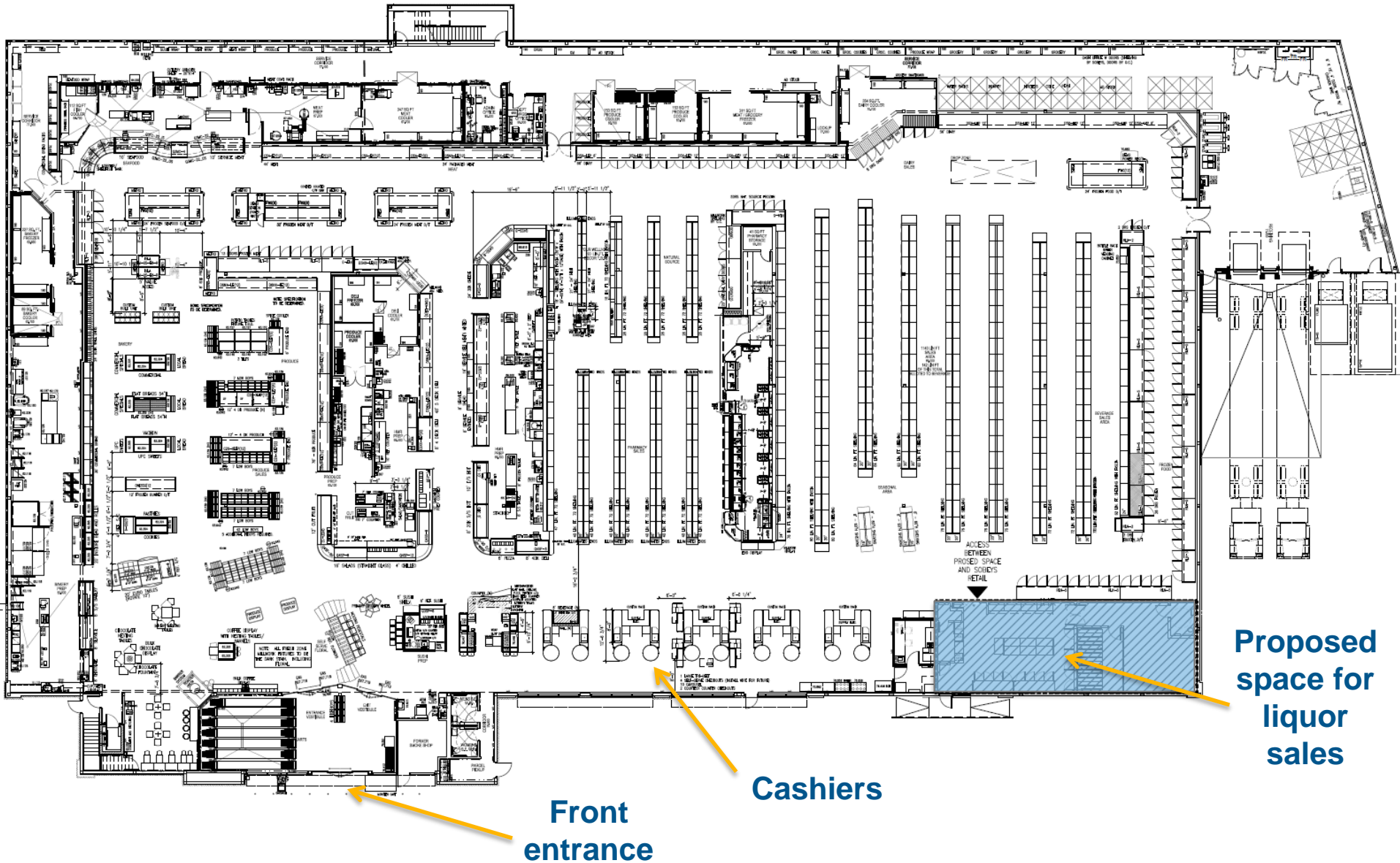
Request

- **Applicant:** WM Fares Group
- **Proposal:** to amend the existing Development Agreement to allow liquor sales within Sobeys Food Store. **This does not include an entertainment use (i.e. bar or lounge).**

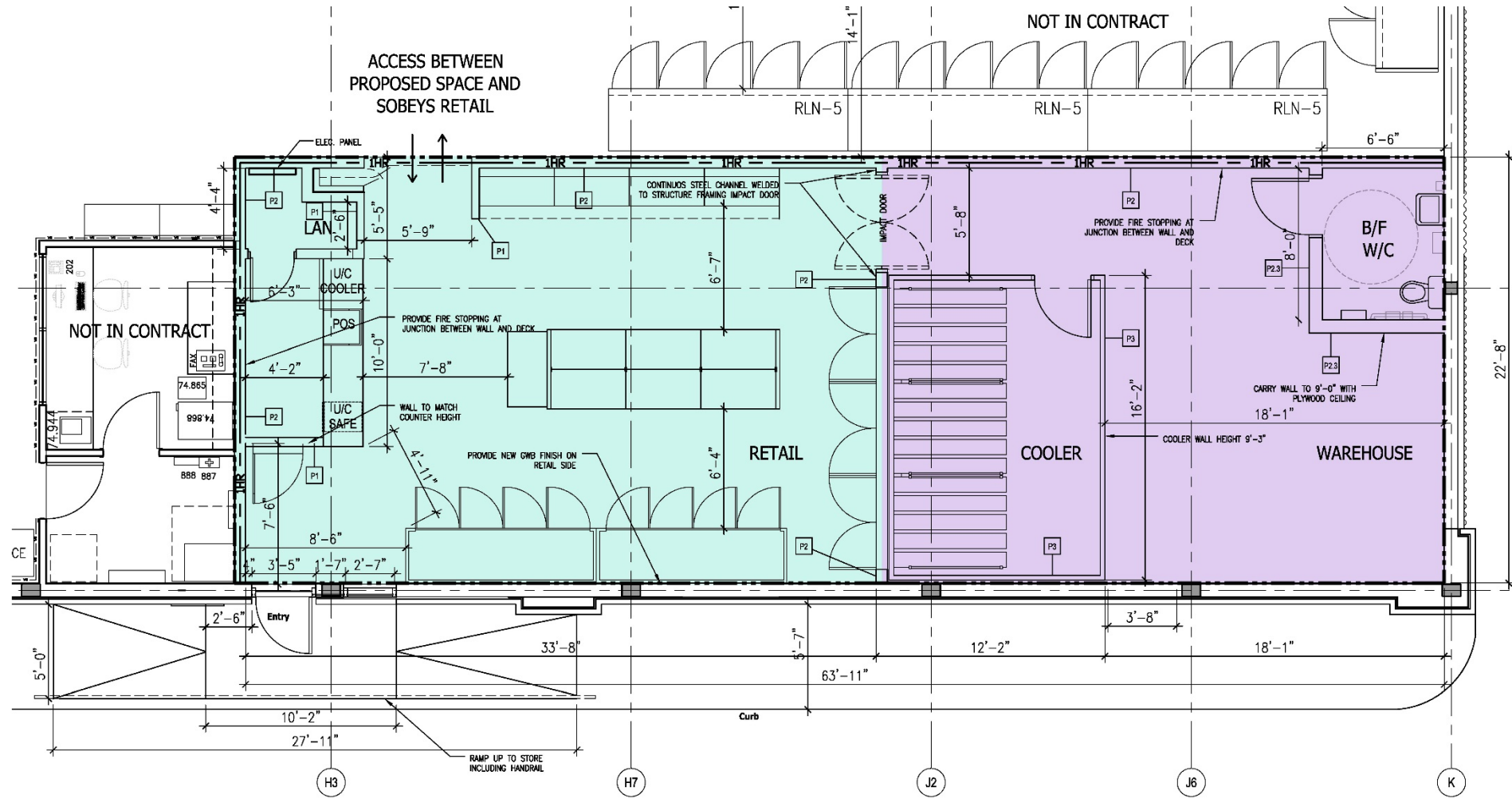
Existing Agreement

- Case 16418 – Approved May 26, 2011
- Allowed new commercial uses in excess of size normally permitted in Community Commercial Zone (Sobeys and Tim Hortons)
- Motion of Council

Proposed Floor Plan



Proposed Floor Plan



Planning Context

- **Plan Area:** Sackville
- **Designation:** CC (Community Commercial), Sackville Municipal Planning Strategy (MPS)
- **Zoning:** C-2 (Community Commercial) Zone, Sackville Land Use By-law (LUB)

Planning Policy

- Policy CC-3 enables C-2 uses in excess of 10,000 square feet.
- This policy enables HRM to consider permitting the proposed use through the Development Agreement process, as the use is a permitted C-2 Zone use.

Public Consultation

- Public Information Meeting held on March 9, 2016
- Attendees of the meeting were in favour of the application

Planning Advisory Committee

- April 6, 2016
- Recommendation is to approve the application

Discussion

- Policies CC-3 and IM-13 require that the application be evaluated according to a number of criteria including:
 - Conformity with the intent of policy;
 - General suitability of the site (in terms of municipal servicing capacity, etc.);
 - Design features that address potential impacts on adjacent development;
 - Design compatibility with adjacent land uses; and
 - Traffic generation and access.

Conclusion

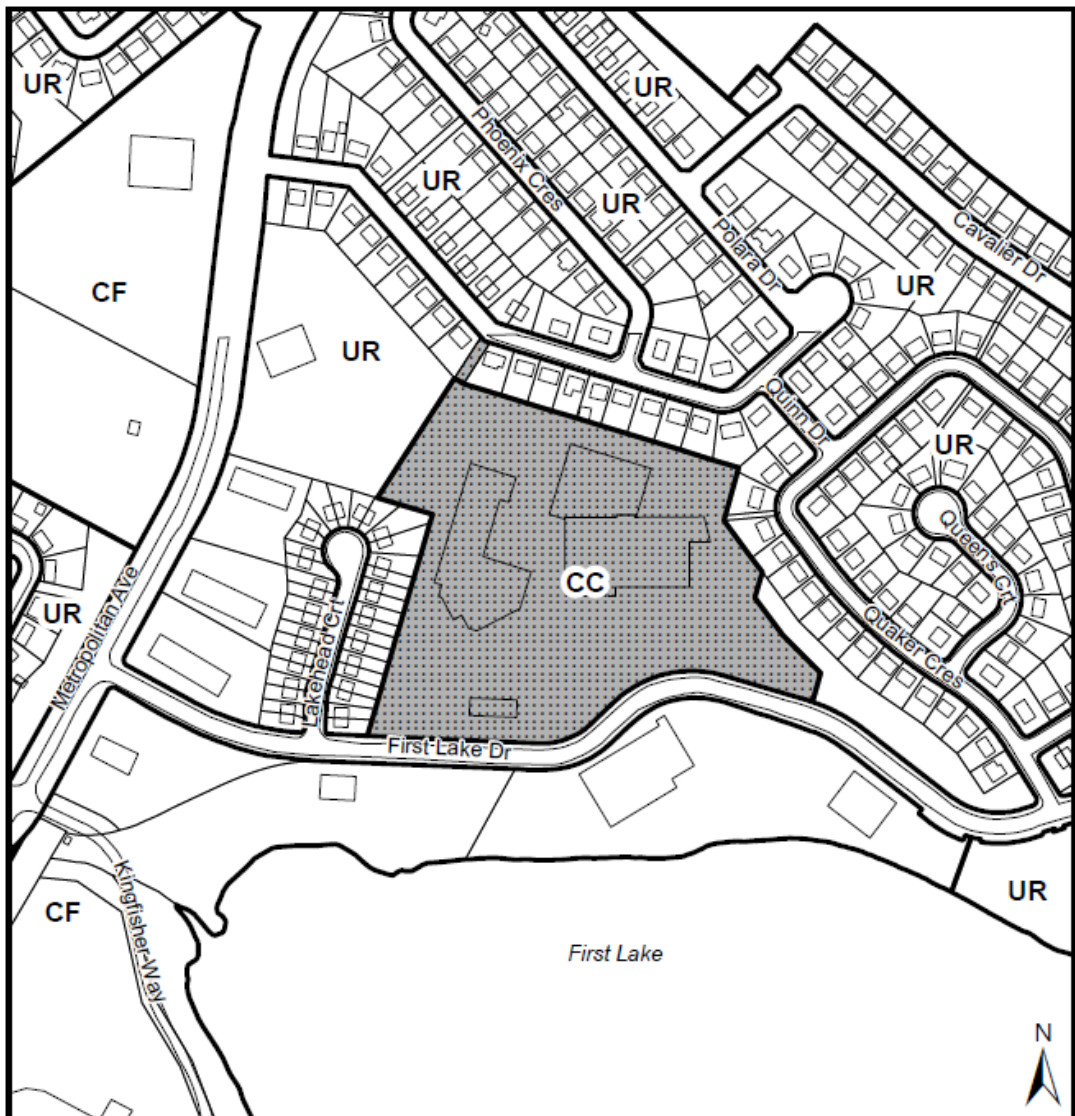
- Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is consistent with the intent of the MPS.
- **Recommendation: Approval**

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Thank You

**Comments and
Questions**


CC, Community Commercial Designation



Map 1 - Generalized Future Land Use

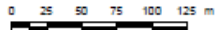
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 Subject Properties

Designations

- UR Urban Residential
- CC Community Commercial
- CF Community Facility



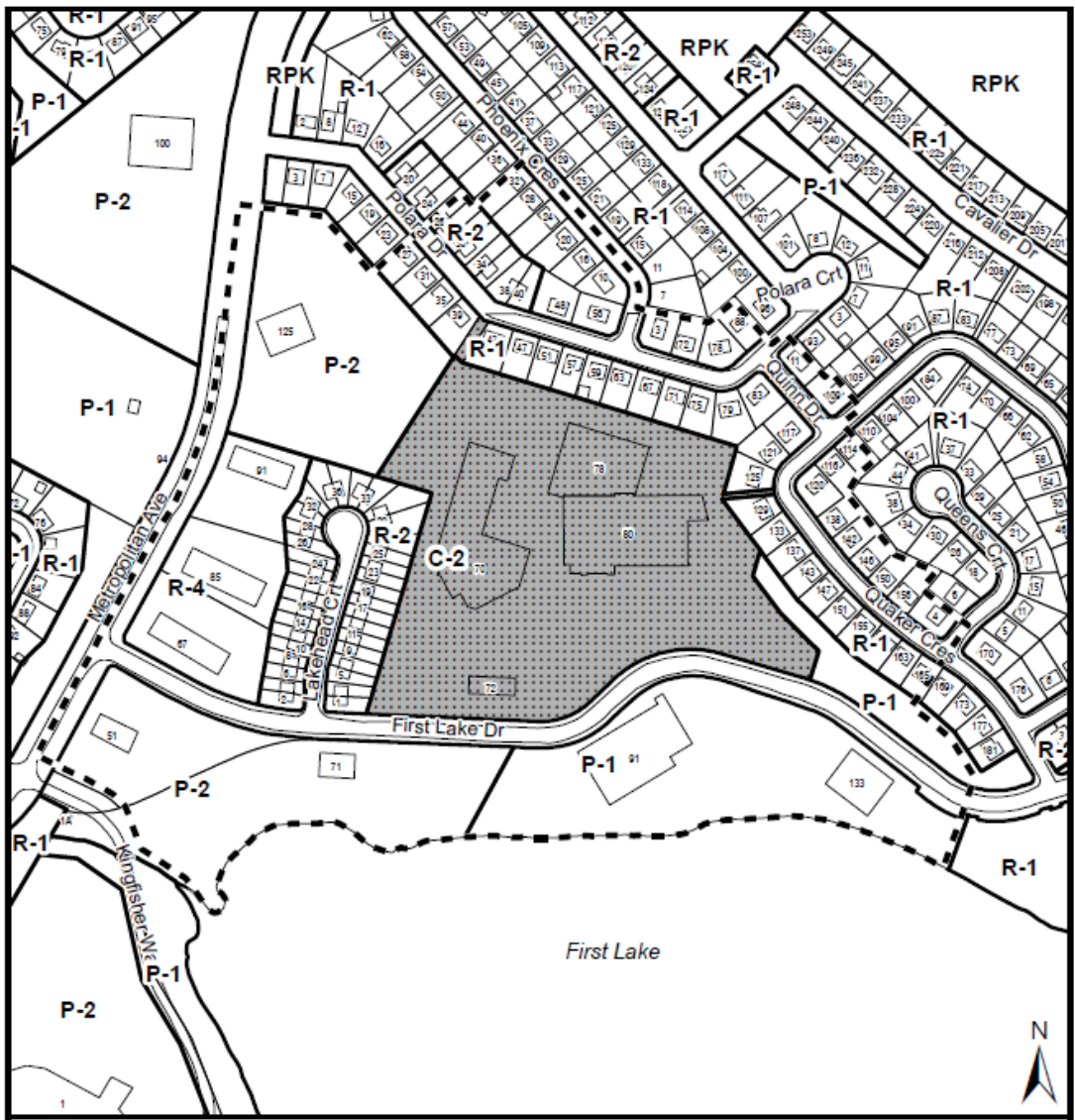
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Sackville Plan Area



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C-2, Community Commercial Zone



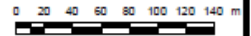
Map 2 - Zoning and Notification Area

PID 00362442

-  Subject Properties
-  Notification Area

- Zones**
- R-1 Single Unit Dwelling
 - R-2 Two Unit Dwelling
 - R-4 Multiple Unit Dwelling
 - C-2 Community Commercial
 - P-1 Open Space
 - P-2 Community Facility
 - RPK Regional Park

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.
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Policy CC-3

CC-3 Notwithstanding Policy CC-2, within the Community Commercial Designation, Council may consider the expansion of existing uses and the establishment of new commercial uses in excess of the maximum size permitted in the community commercial zone, according to the development agreement provisions of the Planning Act. In considering any such development agreement, Council shall have regard to the following:

- (a) an evaluation of the appropriateness of the proposed use in terms of its effect on the development of the Sackville Drive Secondary Plan (RC-May 7/02; E-Jun 29/02) as the major commercial focus within the plan area;
- (b) that no development agreement for office uses in excess of the maximum size permitted in the community commercial zone be considered;
- (c) that municipal central services are capable of supporting the development;
- (d) that site design features, including landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of users of the development;
- (e) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (f) that appropriate controls are established to address environmental concerns, including stormwater controls;
- (g) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (h) general maintenance of the development;
- (i) hours of operation; and
- (j) the provisions of Policy IM-13.

Policy IM-13

IM-13 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 planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to, or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) 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;
- (e) any other relevant matter of planning concern; and
- (f) 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.

Development Agreement

- Legal Contract for land use(s)
- Typically overrides Land Use By-law
- MPS spells out when and where
- Things to be considered identified in MPS/Charter and Regional Plan
- Decision must be consistent with MPS policy