



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.1
North West Community Council
February 8, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY: _____
Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: January 4, 2015

SUBJECT: **Case 19965: Amendment to Sackville Land Use Bylaw, C2-A (Minor Commercial) Zone, Middle Sackville**

ORIGIN

Application by Atlantic Gardens Incorporated

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 the proposed amendments to the Sackville Land Use By-law, as contained in Attachment A of this report, to permit service stations, excluding automotive repair and washing, within the C-2A (Minor Commercial) Zone, and schedule a public hearing; and
2. Approve the proposed amendment to the Sackville Land Use By-law, as contained in Attachment A of this report, to permit service stations, excluding automotive repair and washing, within the C-2A (Minor Commercial) Zone.

BACKGROUND

Atlantic Gardens Incorporated is applying to amend the Sackville Land Use By-law to allow the development of service stations, excluding automotive repair and washing, within the C-2A (Minor Commercial) Zone. The Sackville Municipal Planning Strategy (MPS) allows for the use to be considered within the C-2A Zone provided the use is consistent with MPS policies.

Subject Property	1620 Sackville Drive, Middle Sackville (Map 1)
Location	South side of Sackville Drive, north of Margeson Drive
Regional Plan Designation	US - Urban Settlement RC - Rural Commuter
Community Plan Designation (Map 1)	UR - Urban Residential under the Sackville Municipal Planning Strategy (MPS) RR – Rural Residential under the Sackville MPS
Zoning (Map 2)	C-2A - Minor Commercial under the Sackville Land Use By-law (LUB)
Size of Site	1.9 hectares (4.74 acres)
Street Frontage	240 metres (788 feet)
Site Conditions	Fully developed, gently sloping down at the rear of the property, pond to the east of the property
Current Land Use	Greenhouse and garden centre
Surrounding Land Uses	Multi-unit commercial building to the west (Tim Hortons, Pharmasave), vacant land to the east, single unit dwellings across Sackville Drive (north) and single unit dwellings to the rear (south)

Enabling Policy and Zoning Context

Policy UR-29 establishes the C-2A Zone including the range of uses that are intended to be permitted in the LUB as contained in Attachment C. North West Community Council may consider amendments to the C-2A Zone requirements, including permitted uses, provided the changes are consistent with the intent of the Sackville MPS.

The subject property is zoned C-2A, which is a zone that only applies to the subject property and two adjacent properties. The C2-A Zone permits a limited range of commercial uses including retail and service uses, and the existing greenhouse and garden centre.

History

In 1979, the existing greenhouse was developed on the subject property under Planned Unit Development (PUD) By-law, a development control tool that was later replaced by the development agreement process in 1983. After the PUD was dissolved, the underlying R-1 (Single Unit Dwelling) Zone made the development non-conforming, which meant it was legally permitted to operate, but unable to expand.

In 2001, Regional Council adopted Policy UR-29 to address the non-conformity for the subject property. This policy established and applied the C-2A (Minor Commercial) Zone to the subject property and permitted a limited range of retail and service uses, including the existing greenhouse and nursery. The limited uses permitted in the C-2A Zone were meant to protect the natural environment and the aesthetic of the neighbouring properties.

Proposal

The applicant intends to develop five units of retail space, limited in accordance with the LUB to 929 square metres (10,000 square feet) or less, and as currently permitted by the C-2A Zone. The proposal also includes a set of four gasoline pumps in front of the building, which are not currently permitted in the C-2A Zone.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed LUB amendments in relation to the relevant MPS policies.

Proposed LUB Amendment

Attachment A contains the proposed LUB amendments that would permit the applicant to develop gasoline pumps on the subject property. Highlights of the proposed amendments include:

- permitting service stations in the C-2A Zone, but excluding automotive repair and washing, so that only the sale of gasoline and lubricants and retail of car accessories is permitted; and
- establishing lot, setback and architectural requirements for pump islands and canopies, to help ensure the gas pumps are aesthetically compatible with the surrounding area.

The attached LUB amendments will permit a service station, excluding automotive repair and washing. Of the matters reviewed to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Permitted Uses

Policy UR-29, which establishes the C-2A Zone, identifies a number permitted uses including retail stores, offices, banks and financial institutions, take out and drive-in restaurants, shopping plazas and malls, and greenhouses and nurseries. The inclusion of a service station can be considered consistent with these permitted uses provided the use is limited and controlled to ensure it is compatible with the surrounding residential area. As a result, the proposed amendments exclude associated automotive repair and washing, as well as placing a limit on the size of associated buildings and the number of fuel pumps.

Policy UR-29 further discusses limiting the uses permitted in the zone to protect the neighbourhood's aesthetic and environment. Aesthetics are addressed through the inclusion of LUB provisions that control the location and design of pump islands and canopies. Impacts on the environment are mitigated by watercourse setback requirements that apply to all development. In addition, the distribution and storage of fuel is regulated by Nova Scotia (NS) Environment, which did not raise any concerns with the proposal. Environmental impacts are further reduced by limiting the size of the service station and excluding associated automotive repair and washing.

Implication on other C-2A Properties

The C-2A Zone only applies to three properties, the subject property at 1620 Sackville Drive, and the adjacent properties on each side. The adjacent property to the east has recently been developed as a multi-unit commercial building containing a Tim Hortons and Pharmasave, and the property to the west is vacant. If approved, the proposed amendment would allow for the development of a service station on the subject property as well as on the two other properties zoned C-2A, provided all applicable requirements of the LUB are met, including lot size, frontage and design requirements.

Traffic Impact

The applicant submitted a traffic impact statement that concluded that a left-turn lane on Sackville Drive is warranted. Staff have reviewed this statement and advised the applicant that a left turn lane will be required at the time of permitting. In addition, staff have identified needed adjustments to the proposed

driveway access to be addressed at the permit stage. Therefore, traffic impacts associated with the proposed LUB amendment can be addressed through the as-of-right permitting process. Any costs associated with infrastructure adjustments, upgrades, or installations will be the responsibility of the developer.

Planning Advisory Committee Review

The North West Planning Advisory Committee reviewed the proposal on September 2, 2015 and passed a motion recommending North West Community Council approve the proposal. The Committee asked that consideration of an additional turning lane be a condition of the proposed development.

This application is for an LUB amendment, and as such, development of the property will proceed in accordance with the LUB requirements, the National Building Code and the Municipal Design Guidelines. There is no mechanism to propose or enforce road improvement conditions on the development as part of the LUB amendment process. However, as noted in the preceding section, a left turn lane and driveway access improvements will be addressed at the permit stage.

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 MPS. Environmental concerns are addressed by NS Environment regulations and aesthetics are addressed by LUB controls regarding the size, location and design of pump islands and canopies. Traffic impacts have been reviewed and measures to mitigate the effect of the development on Sackville Drive will be addressed through the permitting process. Therefore, it is recommended that North West Community Council approve the proposed LUB amendment as contained in Attachment A.

FINANCIAL IMPLICATIONS

There are no financial implications. The administrative costs associated with processing this planning application can be accommodated within the approved 2015/16 budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process was consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through notices posted on the HRM website, signage posted on the subject property, and a public information meeting held on August 6, 2015. Minutes from the meeting are included as Attachment D.

A public hearing must be held by North West Community Council before they can consider approval of the Land Use By-law amendment. Should North West 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 will be notified as shown on Map 2. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents, property owners, community facilities and businesses.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

1. North West Community Council may choose to approve the proposed LUB amendments with modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report and an additional public hearing. A decision of Community Council to approve the Land Use By-law 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 amendments, and in doing so, must provide reasons why the amendments are not reasonably consistent with the MPS. A decision of Council to refuse the proposed Land Use By-law 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

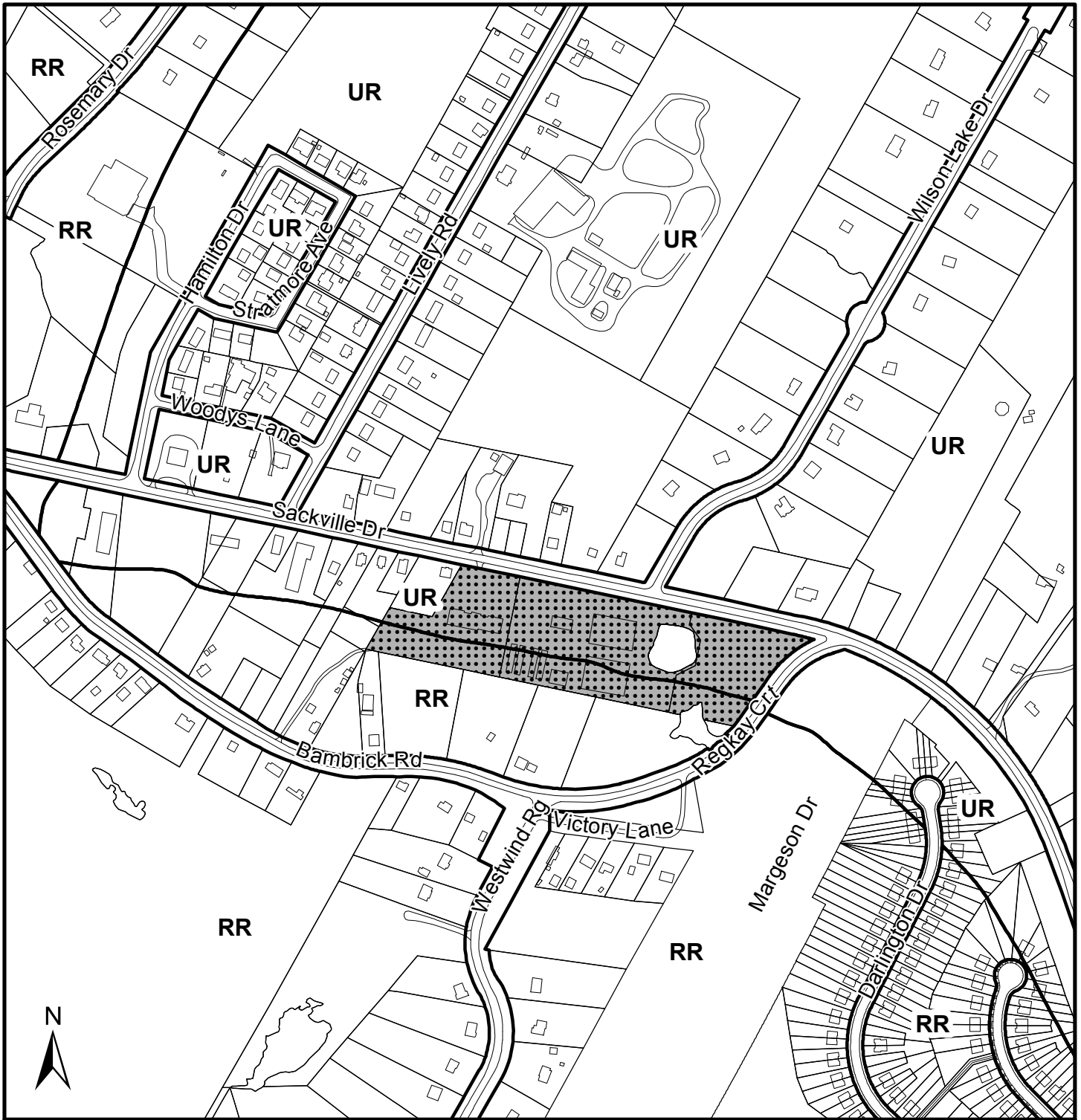
Attachment A Proposed Land Use By-law Amendment
Attachment B Excerpts from the Sackville MPS: Policy Evaluation
Attachment C C2-A (Minor Commercial) Zone
Attachment D Public Information Meeting Minutes

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, 902.490.6704

Original Signed

Report Approved by: _____
 Kelly Denty, Manager, Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

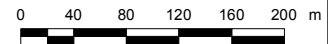
1620 - 1624 Sackville Drive
Middle Sackville


HALIFAX

 C-2A Zoned Properties

Designations

RR Urban Residential
UR Rural Residential

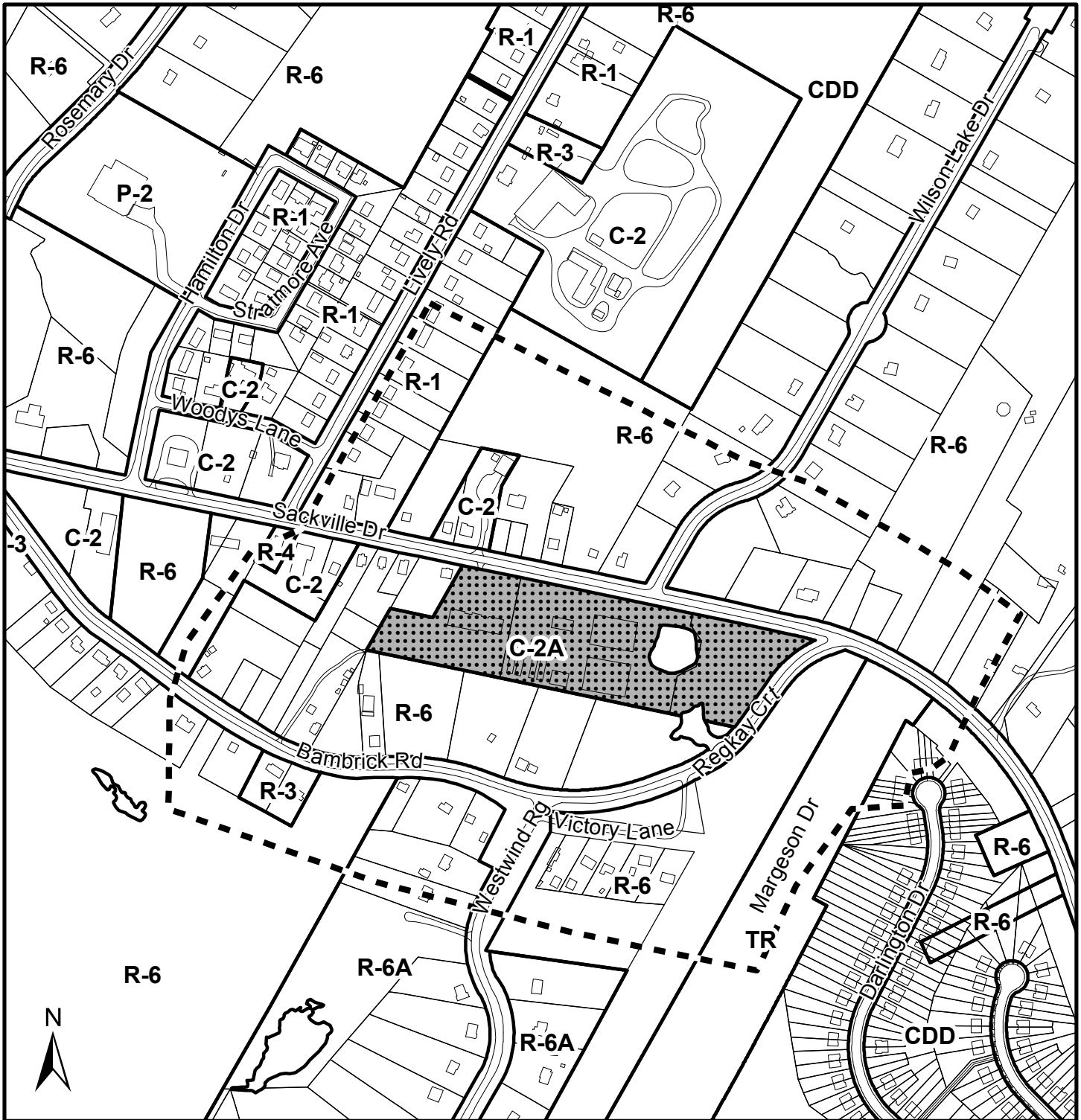


 Area of Notification

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


Sackville
Plan Area


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



Map 2 - Zoning and Notification

1620 - 1624 Sackville Drive
Middle Sackville

 C-2A zoned Properties

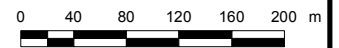
 Area of Notification

Sackville
Land Use By-Law Area

Zones

- R-1 Single Unit Dwelling
- R-3 Mobile Dwelling
- R-6 Rural Residential
- R-6A Rural Residential Single Unit Dwelling
- C-2 Community Commercial
- C-2A Minor Commercial
- P-2 Community Facility
- CDD Comprehensive Development District
- TR Transportation Reserve

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 Land Use By-law

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

1. In Part 15A C-2A (Minor Commercial) Zone, amend Section 15A.1, by inserting the text shown in bold, as follows:

Commercial Uses

Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants take-out and drive-in
Shopping plazas and malls
Commercial recreation uses
Greenhouses and nurseries
Veterinary hospitals and kennels
Service stations

Community Uses

Open space uses
Institutional uses

2. In Part 15A C-2A (Minor Commercial) Zone, insert Section 15A.9 directly after Section 15A.8 as follows:

15A.9 OTHER REQUIREMENTS: SERVICE STATIONS

The following conditions shall apply to service stations:

- (a) The lot shall have a minimum area of 2,787 square metres (30,000 square feet);
- (b) The lot shall have a minimum of 30.5 m (100 ft) of contiguous frontage;
- (c) No service station use shall exceed 185.8 square metres (2,000 square feet) of gross floor area;
- (d) No portion of pump island canopy shall be illuminated. Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy;
- (e) A pump island canopy associated with a service station may include one (1) sign, provided the sign is no larger than thirty (30) square feet and not backlit;
- (f) A pump island canopy associated with a service station shall include no less than two of the following architectural elements:
 - (i) recesses/projections;
 - (ii) cornices and parapets;
 - (iii) peaked roof forms;
 - (iv) architectural details such as tile or stone work, and decorative mouldings; or
 - (v) any other similar architectural treatment deemed to be an acceptable equivalent;
- (g) No portion of any pump island, including a pump island canopy, shall be located closer than 6.1 m (20 ft) from any street line;
- (h) No more than four (4) fuel pumps shall be permitted on a lot;
- (i) No servicing or general repair of motorized vehicles shall be permitted;
- (j) No vehicle washing facilities (car wash) shall be permitted; and
- (k) No residential uses shall be permitted on the same lot.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed as 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 MPS: Policy Evaluation

Policy Criteria	Comment
<p>UR-29 <i>Atlantic Gardens has long been part of the Sackville Community. In April 1979, a development plan was approved for the site by the former Halifax County Council to permit construction of a greenhouse operation under the Planned Unit Development (PUD) By-Law. At that time the subject property was zoned R-1, which did not permit the proposed use. The Planned Unit Development By-Law required that the registered owner enter into an agreement with the Municipality, similar to the development agreement provisions of the Municipal Government Act. The authority to utilize the Planned Unit Development By-law has been repealed. As a result Council discharged the PUD and placed a Minor Commercial Zone on the properties. This zone was developed specifically for Atlantic Gardens. In addition, Council wished to recognize the present garden centre use and to allow the owner to expand that use into a full service garden centre facility.</i></p>	
<p><i>Notwithstanding Policy UR-2 and RR-2, the properties known locally as Atlantic Gardens at 1620 Sackville Drive (PID 40150856) and the lot at the corner of Sackville Drive and Old Sackville Road (PID 40150815) shall be zoned to a Minor Commercial Zone. This zone shall provide for a limited range of retail, personal service, and service uses which can be accommodated without detriment to the surrounding residential neighbourhood by virtue of aesthetics, and environmental degradation. These uses shall include: retail stores, service and personal service shops, offices, commercial schools, banks and financial institutions, restaurants take-out and drive-in, shopping plazas and malls, commercial recreation uses, and greenhouses and nurseries. Institutional uses shall also be permitted. Outdoor storage, display, and signs shall be regulated.</i></p>	<p>The inclusion of a service station can be considered consistent with these permitted uses provided the use is limited and controlled to ensure it is compatible with the surrounding residential area. As a result, the proposed amendments exclude associated automotive repair and washing, as well as limit the size of associated buildings and the number of fuel pumps. Aesthetics are addressed by including LUB provisions that control the location and design of pump islands and canopies. Impacts on the environment are mitigated by watercourse setback requirements that apply to all development. In addition, the sale and storage of fuel is regulated by NS Environment, which did not raise any concerns with the proposal.</p>
<p>IM-13 <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 planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(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;</i></p>	<p>The MPS recognizes the potential for uses to serve the community. The addition of a service station without vehicle repair or service is in keeping with the uses currently permitted in the C-2A Zone, and is in accordance with the intent of the MPS.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>(ii) the adequacy of sewer and water services;</i> <i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i> 	<ul style="list-style-type: none"> <i>(i) No Municipal costs are anticipated;</i> <i>(ii) Halifax Water has commented on the proposal and advised that there is capacity available to the property, and that there is no concern with the adequacy of central services to the property;</i> <i>(iii) No concerns with adequacy or proximity of schools, recreation or other community facilities have been identified;</i>

<p><i>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</i></p> <p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>(iv) Adjustments to the road will be required to construct left-turn lanes to accommodate the traffic generated by the existing multi-unit commercial plaza to the west, as well as traffic generated by this proposal. Staff have identified the required infrastructure and lane painting adjustments and communicated these requirements to the applicant. The issues will be addressed at the permit stage. Adjustments to the proposed accesses have also been identified and details to resolve the issues will be addressed at the permit stage.</p> <p>Parking will be required in accordance with LUB and can be accommodated on site.</p> <p>(v) There are no heritage resources impacted by the proposal.</p>
<p><i>(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></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p> <p><i>(v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern.</i></p>	<p>(i) The use is similar to retail uses currently permitted in the zone. Associate automotive repair and washing is not permitted.</p> <p>(ii) The location and design of pump islands and canopies is controlled.</p> <p>(iii) Adjustments to the road will be required to accommodate left-turn lanes to accommodate the traffic generated by the existing multi-unit commercial plaza to the west, as well as traffic generated by this proposal. The required infrastructure and lane painting adjustments have been identified by staff and communicated to the applicant. The issues will be addressed at the permit stage. Adjustments to the proposed accesses have also been identified and details to resolve the issues will be addressed at the permit stage. Parking will be required in accordance with LUB requirements and can be accommodated.</p> <p>(iv) There are specific controls on open storage in the C-2A Zone, subject to siting and size requirements.</p> <p>(v) Signs on any pump island canopy are controlled. The general sign provisions of the LUB apply to the development, permitting fascia, ground and projecting signs in accordance with size and locational criteria.</p> <p>(vi) There are no other planning-related concerns.</p>
<p><i>(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;</i></p>	<p>The proposed site has a slight slope towards the rear of the lot, but is otherwise relatively flat. Staff has advised that a Storm Water Management Plan, Erosion & Sediment Control Plan and Servicing Plan are required at the permit stage, but no specific concern has been identified regarding</p>

	flooding.
<i>(e) any other relevant matter of planning concern; and</i>	No other planning concerns have been raised.
<i>(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.</i>	N/A

ATTACHMENT C

Current C2-A (Minor Commercial) Zone

PART 15A: C-2A (MINOR COMMERCIAL) ZONE (RC-Apr 24/01;E-Jun 2/01)

15A.1 C-2A USES PERMITTED

No development permit shall be issued in any C-2A (Minor Commercial) Zone except for the following:

Commercial Uses

Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants take-out and drive-in
Shopping plazas and malls
Commercial recreation uses
Greenhouses and nurseries
Veterinary hospitals and kennels

Community Uses

Open space uses
Institutional uses

15A.2 C-2A ZONE REQUIREMENTS: COMMERCIAL USES

In any C-2A Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1,858m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30 5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		50 per cent
Maximum Height of Main Building		35 feet (10.7 m)

15A.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

- (a) The gross floor area of all commercial buildings on a lot in any C-2A Zone shall not exceed ten thousand (10,000) square feet (929 m²).

15A.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-2A Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
- (d) No open storage or outdoor display shall be permitted within any yard in a C-2A Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

15A.5 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2A Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2A Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2A Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2A Zone shall be located within ten (10) feet (3 m) of any front lot line.

15A.7 C-2A ZONE REQUIREMENTS: COMMUNITY USES

In any C-2A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

15A.8 OTHER REQUIREMENTS: ATLANTIC GARDENS

Notwithstanding the provisions of Sections contained within 15A the existing Atlantic Gardens Centre, located on the lot identified by PID Number 40150856, is recognized as an existing use. An expansion which does not meet the provision of 15A3 (maximum commercial floor area) shall be permitted. All other provisions of the zone shall be met.

ATTACHMENT D

Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19965

Thursday, August 6, 2015
7:00 p.m.

Sackville Heights Community Centre

STAFF IN

ATTENDANCE:

Erin MacIntyre, Planner, HRM Development Approvals
Tyson Simms, Planner, HRM Development Approvals
Thea Langille, Major Projects Planner, HRM Development Approvals
Dave Hanna, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE:

Councillor Brad Johns, District 14
Robin Godfrey, Atlantic Gardens

PUBLIC IN

ATTENDANCE:

Approximately 13

The meeting commenced at approximately 7:03 p.m.

1. Call to order, purpose of meeting – Erin MacIntyre

Ms. MacIntyre introduced herself as the Planner and Facilitator for the application; Tyson Simms, Planner, HRM Development Approvals; Cara McFarlane and Dave Hanna, HRM Development Approvals; Councillor Brad Johns, District 14; and Robin Godfrey, Atlantic Gardens.

Case 19965 is an application by Atlantic Gardens to request an amendment to the Sackville Land Use By-law (LUB) to permit a gas bar as a permitted use under the C-2A Zone at 1620 and 1624 Sackville Drive, Middle Sackville.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

2. Overview of planning process – Erin MacIntyre

HRM receives an application; the PIM is held at the beginning of the process; Staff circulates the application and plans to internal stakeholders for comment; The application would then go before North West Planning Advisory Committee (NWPAC) for their review and recommendation; Staff will include comments from a detailed internal/external review along with feedback from the public and recommendation from NWPAC in a Staff Report to North West Community Council (NWCC); NWCC is required to hold a public hearing and make a decision in regards to this application; and, NWCC's decision is subject to a 14-day appeal process through the Nova Scotia Utility and Review Board (NSUARB).

3. Presentation of Proposal – Erin MacIntyre

The location of the site was shown in red. The site consists of two properties which are zoned C-2A

(Minor Commercial) Zone.

A list of permitted land uses in the C-2A Zone was shown. The proposal is to add a gas bar as a permitted commercial land use in this particular zone. The definition of a gas bar that currently exists in the Sackville LUB was given.

Ms. MacIntyre pointed out that this proposal is only to add the gas bar as a permitted use but the entire site plan was shown to give an idea of what the applicant would like to do on the site. Moving forward, the details would be reviewed internally.

The location of the proposed gas bar was shown along with five retail leasehold spaces. Also shown was the location of the Atlantic Garden Centre site. The existing building will be removed and there is potential, if possible, to someday subdivide the property to create an independent parcel

Presentation of Proposal – Robin Godfrey, Owner of Atlantic Gardens and Property Owner

Phase One, Atlantic Gardens Square, is complete with the Tim Hortons and Pharmasave. Phase Two, approximately 2 acres in size, will have a building constructed between the Atlantic Garden Square retail mall and the lower property where the Atlantic Gardens production greenhouses and shipping warehouse are located. Continuity is very important to the family; therefore, the original designer/contractor for Phase One has been retained for Phase two. The building will basically be the same size and have the same look. Results of a study, determined that Middle Sackville has a lack of services, one being gas services.

Over the past Winter, there was significant damage to the production site. In order to modify and maintain the production facility, shipping warehouse and irrigation pond and keep it separate from the proposed site, a request for a separate exit across from Wilson Lake has been submitted.

4. Questions and Comments

Valerie LeBlanc, Wilson Lake Drive - What brand of gas bar? **Mr. Godfrey** – After a lot of time, effort and research, it was decided to go with a national brand, Petro-Can.

Ms. LeBlanc – What is involved with the studies for environmental concerns? She is concerned about wells in the area, safety issues associated with a gas bar and seepage into the water system, traffic flow, and traffic lights should be installed. **Mr. Godfrey** and his family understand her valid concerns. His family values the spring fed pond for their business. A lot of research went into the installation of gas bars to ensure that the nursery business and water source would be protected. The water is tested for nitrogen levels due to fertilization. They felt comfortable after meeting with a company in Mahone Bay, recommended as the best, and going through all the new technology and products. Their natural water supply was reduced by 40% when water and sewer was put into the area. The contractor was also apprehensive and his mother did not want to contaminate the property for future family use. **Ms. MacIntyre** – In terms of traffic, a Traffic Information Statement (TIS) is required as part of the application. The TIS is prepared by a professional engineer and reviewed by HRM Development Engineering to determine if there are any issues as a result of the development. In terms of environment concerns, a copy of the application was sent to Department of Environment (DOE) for comment. Any issues raised by DOE require the applicant to address. **Ms. LeBlanc** believes that a previous application was denied due to traffic flow over the blind crest and stopping times at that location. **Mr. Godfrey** – Tim Hortons generates a lot of traffic. In the initial TIS, a turning lane was not warranted (although close) for Phase One. WSP Canada Inc. performed the new TIS and a new turning lane (from Wilson Lake up to the end of the second entrance on the site) will be constructed whether warranted or not. Traffic lights will not be installed. **Councillor Johns** believes that due to certain development restrictions, the Province probably would not allow a set of traffic lights at that location due to the proximity of the roundabout to Highway 101. **Ms. LeBlanc** – Will it just be a left turning lane? **Mr. Godfrey** – It will be a true middle turning lane (left and right). **Ms. MacIntyre** – The TIS is based on information that is relevant.

Sandra MacDonald-Clahane, Wilson Lake Drive – Does the TIS take into consideration the HRM project on Wilson Lake that will consist of 150 units? This will add traffic volume to Wilson Lake where there currently are problems. **Ms. MacIntyre** – A TIS considers current conditions and developments that have been approved by Council. **Councillor Johns** asked about the status of an Armco proposal that

was submitted about a year ago and the PIM that was held. **Thea Langille, Major Projects Planner, HRM Development Approvals** – A PIM was held for that particular application. Staff did an internal review and comments were provided to the developer with regards to concerns. A lot of those concerns were also captured at the PIM. Therefore, it is now up to the developer to respond to those concerns. Another PIM will more than likely be held if a new/amended application comes forward.

Steve Noel, Lively Road– Will the current traffic issues be addressed if this application isn't approved? A turning lane is needed. **Ms. MacIntyre** – A turning lane will be required by the developer if the application is approved. If it is not approved, HRM will not ask the developer to fix the existing traffic problem. **Councillor Johns** explained that for Phase One, a turning lane was required. HRM recognized the high cost to the developer and knowing Phase Two was coming forward, felt that it would be more beneficial to wait so the turning lane could be built to address all of the problems. **Ms. LeBlanc** – Is it pre-assumed that Phase Two is going to be approved by Council? **Councillor Johns** – Phase Two can be done independent of the gas bar. Tonight's proposal is solely the addition of the gas bar use to the C-2A Zone.

Ms. LeBlanc – Can someone construct a gas bar on the vacant land across the street from this site? **Mr. Simms** – This is the only site (currently consisting of two parcels) in the Sackville plan area that is zoned C-2A. If the owners decided to subdivide one of the properties, there would be three parcels of land zoned C-2A in the Sackville plan area.

Peggy Godfrey, owner of Atlantic Gardens clarified that their land was originally zoned R-1. Under the County, there was a special agreement which considered the parcel to be farmland and had a special land use. This became obsolete in the late 90s when Sackville started their own Municipal Planning Strategy (MPS). Their property was left in limbo and no longer had its own legal entity or significance. Sackville Planning and NWCC designated the property C-2A which they are happy with and have no objections. It is similar to the Mainstreet program in Bedford where their other business was located. The thought of a gas bar was a big concern because of all the potential issues with fossil fuels and the environment. DOE and HRM security features and controls are very stringent. If there are liabilities from pollution, it can bankrupt a family for generations; therefore, our family is not entering this lightly. **Ms. LeBlanc** – Will the retail operation exist? **Mr. Godfrey** – The retail at the lower level (reason for the lower entrance) will be Phase Three but will have a different look.

Ms. MacDonald-Clahane – Comments made about traffic lights not permitted due to proximity of the roundabout, are they based on HRM's Right of Way or NS Transportation and Infrastructure Renewal (NSTIR)? **Ms. MacIntyre** – NSTIR have a certain circumference around their infrastructure to avoid developing business. **Ms. MacDonald-Clahane** – Has NSTIR provided comments to HRM? **Ms. MacIntyre** – A detailed review has not been done yet. The proposal is not within that roundabout circumference; therefore, the Province does not feel the need to discuss that issue.

Brian Murray, Hammonds Plains – If the LUB amendment is approved, will it affect C-2A Zoned properties in all of HRM or just Sackville? The alternative would be to rezone that property. **Ms. MacIntyre** – This amendment is limited to the Sackville plan area. **Mr. Simms** – Policy within the Sackville MPS does not allow Council to consider other parcels within the Sackville plan area to be rezoned to C-2A Zone.

Mr. Simms explained that in terms of DOE's review, potential impacts on the irrigation pond will be considered. If the applicant wanted to alter or modify the pond, they would have to go through an alteration process. If this application is approved and the applicant was successful in getting a gas bar on the site, DOE conducts an audit of the gas bar itself. They have stringent regulations in terms of setback, setup, etc. A process solely for the construction and establishment of the gas bar is done separately.

5. Closing Comments

Ms. MacIntyre and Mr. Simms thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:46 p.m.