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Item No. 10.1.1
North West Community Council
January 13, 2020
February 10, 2020

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY: _____
Kelly Denty, Director of Planning and Development

DATE: January 7, 2020

SUBJECT: **Case 21859: Land Use By-law amendment to rezone lands with PIDs
41063983 and 40607160, Lower Sackville**

ORIGIN

Application by Studioworks Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, SNS 2008, c. 39, Part VIII, Planning & Development (HRM Charter).

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Zoning Map of the Land Use By-law for Sackville Drive, as set out in Attachment A, to:
 - a) rezone a portion of lands with PID 40607160 from the LS (Large Scale Commercial) Zone to the DC-3 (Downsview Complex 3) Zone;
 - b) rezone a portion of lands with PID 41063983 from the DC-2 (Downsview Complex 2) Zone to the DC-3 (Downsview Complex 3) Zone; and
 - c) rezone a portion of lands with PID 41063983 from the DC-3 (Downsview Complex 3) Zone to the LS (Large Scale Commercial) Zone and schedule a public hearing; and
2. Adopt the amendment to the Zoning Map of the Land Use By-law for Sackville Drive, as set out in Attachment A.

BACKGROUND

Studioworks Inc., on behalf of property owners Crombie Developments Limited and Beukema & Nelson Independent Consultants Incorporated, is applying to rezone portions of lands at 685 Old Sackville Road and 710-752 Sackville Drive to enable the construction of three multi-unit dwellings.

Subject Site	Approximately 22,900 m ² (246,493.5 ft ²) in area of PID 41063983 (710-752 Sackville Drive), which has frontage on Old Sackville Road. Approximately 5,445 m ² (58,609.5 ft ²) in area of PID 40607160 (685 Old Sackville Road). 9,833.86 m ² (105850.8 ft ²) being the entirety of PID 40560849 (665 Old Sackville Road), which has frontage on Old Sackville Road.
Location	North side of Old Sackville Road, East of Beaver Bank Connector
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	DB (Downsview Beaver Bank)
Zoning (Map 2)	LS (Large Scale Commercial), DC-2 (Downsview Complex 2), DC-3 (Downsview Complex 3), and P-3 (Floodplain)
Size of Subject Site	38,163 m ² (410,783 ft ²)
Street Frontage (Subject Site 1)	43.8 m (143.7 ft)
Current Land Use	PID 40607160: Multi-unit dwelling PID 41063983: Downsview Mall PID 40560849: Vacant
Surrounding Uses	Multi-unit dwellings, shopping centres, institution (RCMP detachment), Halifax Transit terminal, single unit dwellings, two-unit dwellings

Proposal Details

The applicant proposes to rezone portions of PID 40607160 and portions of PID 41063983 in Lower Sackville to enable the construction of 3 multi-unit dwellings, with access from Old Sackville Road. The proposal would require subdivision to reconfigure the lot fabric to align with the proposed rezoning. However, subdivision would occur subsequent to rezoning, and no new lots would be created. Please refer to Schedule A of Attachment A for the requested zones.

Because the application is for rezoning only, staff have not received detailed designs for the proposed development from the applicant. However, the applicant has provided a concept design that meets the zone standards and site plan requirements in the Sackville Drive LUB, which has the following features:

- Three multi-unit dwellings on one lot with access to Old Sackville Drive;
- A mix of surface and underground vehicle parking facilities;
- 30.5 metre separation distance between any development and the Little Sackville River, which is next to the site;
- Completion of the Little Sackville River Trail across the subject site; and
- Final number of units to be determined at permitting.

A large portion of the subject site is already zoned DC-3 (Downsview Complex 3) and is not included in this application (see Map 2 for current zoning). New multi-unit dwellings are permitted by-right in the DC-3 Zone, subject to the site plan approval provisions in the Sackville Drive LUB.

If the rezoning is approved, any use permitted in the DC-3 Zone would be permitted on the subject site, and the concept design is subject to change prior to development permit issuance.

Three portions of the lands would need to be rezoned to accommodate the request:

Area 1: A portion of land approximately 5,499.3 m² (59,194 ft²) in area would be rezoned from the LS Zone to the DC-3 Zone. This portion of land is currently part of PID 40607160 and is vacant. As new multi-unit dwellings are not permitted in the LS Zone, it must be rezoned to DC-3 to accommodate the proposed 3 new multi-unit dwellings.

Area 2: A portion of land approximately 3,750 m² (40,365 ft²) in area would be rezoned from the DC-2 Zone to the DC-3 Zone. This portion of land is currently part of PID 41063983 and is vacant. It is located between Sackville Drive and Old Sackville Road, southwest of the existing Downsview Mall. As new multi-unit dwellings are not permitted in the DC-2 Zone, it must be rezoned to DC-3 to accommodate the proposed 3 new multi-unit dwellings.

Area 3: A portion of land approximately 375.6 m² (4,043 ft²) in area, fronting on Old Sackville Road, would be rezoned from the DC-3 Zone to the LS Zone. This portion of land is currently part of PID 41063983, is vacant, and fronts on Old Sackville Road. It will be consolidated with PID 40607160 to enable an expansion of the parking lot serving the existing multi-unit dwelling at PID 40607160. It is being rezoned as a housekeeping matter to ensure that zone lines follow anticipated future property lines.

Property referenced as the "subject site" includes areas of land that would be subdivided subsequent to any rezoning to create the building lot for the proposed three new multi-unit dwellings. Because it would be excluded from this new lot, Area 3 is not part of the subject site.

Enabling Policy and LUB Context

The Regional Municipal Planning Strategy (RMPS), the Sackville Municipal Planning Strategy (MPS), and the Sackville Drive Secondary Planning Strategy (SPS) control development on the subject site.

The relevant policies emphasize the following:

- Minimizing potential conflict with the surrounding area with respect to use, height, bulk and lot coverage;
- Adequacy of existing municipal services, including streets and street networks, and water and sanitary services;
- Protecting the Little Sackville River from adverse effects of new development;
- Improving conditions for pedestrian movement; and
- Improving the streetscape and vehicular movement on Sackville Drive.

See Attachment B for the full text and analysis of relevant policies from the Regional Municipal Planning Strategy, the Sackville Municipal Planning Strategy and the Sackville Drive Secondary Planning Strategy.

Sackville MPS Policy

The enabling policy is IM-6; Council can consider the rezoning without an amendment to any Municipal Planning Strategy or Secondary Planning Strategy.

Sackville Drive SMPS Policy

The Sackville Drive SPS designates the subject site DB (Downsview-Beaver Bank). The Sackville Drive SPS encourages the following types of development in the DB Designation:

- New multiple unit dwellings in some zones;
- Small scale buildings and strip malls are controlled but not encouraged;
- Small scale pedestrian oriented uses are discouraged; and
- Large scale uses are specifically encouraged in order to control the number of street access points.

Sackville Drive Secondary Planning Strategy Policy I-5 allows multi-unit dwellings up to 50 feet in height by-right, subject to site plan approval provisions administered by the Development Officer during the permitting process.

Sackville Drive Land Use By-law

Please see Appendix E for permitted uses in the existing and requested zones under the Sackville Drive Land Use By-law.

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 applications website, signage posted on the subject site, postcards mailed to property owners within the notification area (Map 3) and a public information meeting held on February 6, 2019. Attachment C contains a summary of the discussion at the public information meeting.

The public comments received included the following topics:

- Feedback was generally supportive of the proposed development;
- Clarification of the location of the subject site;
- Concern regarding contamination and sedimentation of the Little Sackville River;
- Clarification of the location of the watercourse buffer and P-3 (Floodplain) Zone;
- Clarification of the maximum height permitted on the subject site; and
- Concern regarding traffic on Old Sackville Road.

A public hearing must be held by North West Community Council before it can consider approval of the proposed LUB amendment. If Community Council proceeds with a public hearing on this application, in addition to the published newspaper advertisements, staff will notify property owners within the notification area shown on Map 3 of the hearing by mail. Staff will also update the HRM website to indicate notice of the public hearing.

The proposal would potentially affect residents, property owners and business owners in the area surrounding the subject site.

North West Planning Advisory Committee

The NWPAC reviewed this application at its meeting on March 6, 2019. A memorandum from the PAC on this matter will be forwarded to Community Council under separate cover. The Committee's recommendation supports the proposed rezoning and identified the following matters to be considered by the NWCC:

- The possibility of a second point of egress from the subject site; and
- Traffic control at the intersections of Old Sackville Road and Downsview Drive.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies in the Regional Municipal Planning Strategy, the Sackville Municipal Planning Strategy and the Sackville Drive Secondary Planning Strategy and advise that the proposal is reasonably consistent with the intent of these planning documents.

Attachment A contains the proposed LUB amendments.

LUB Amendment Review

Attachment B provides an evaluation of the proposed rezonings in relation to relevant policies of the Regional Municipal Planning Strategy, the Sackville Municipal Planning Strategy and the Sackville Drive Secondary Planning Strategy. Of the matters reviewed to satisfy the criteria in these plans, the following have been identified for more discussion:

LUB Zone Standards and Site Plan Approval

New multi-unit dwellings are permitted in the DC-3 (Downsview Complex 3) Zone by-right, subject to site plan approval by the Development Officer. Zone standards for the DC-3 Zone include:

Minimum Lot Area:	557.4 m ² (6,000 ft ²)
Minimum Lot Frontage:	18.3 m (60 ft)
Maximum Lot Coverage:	80%
Maximum Height from grade of Old Sackville Road:	15.2 m (50 ft)

The LUB does not provide a maximum density for the DC-3 Zone; instead density is controlled through lot coverage, maximum height, and design requirements in the LUB. New multi-unit dwellings in the DC-3 Zone must go through the site plan approval process prior to issuance of any development permit. Requirements for site plan approval include:

- That the building is located and oriented within the building envelope to ensure the primary facade of the building fronts the internal circulation network (inward focus) of the Downsview Complex area;
- That there are safe pedestrian linkages connecting the multi-unit dwellings to the parking lots, public transit system, the Plaza, the Downsview Mall and Sackville Drive;
- That 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 Plaza) as a means of:
 - providing a pleasant pedestrian atmosphere;
 - providing a natural buffer between the parking lot and the sidewalk; and
 - minimizing the scale of the building.
- That a minimum of 20% of the total land area is grassed or otherwise landscaped.

If the proposal meets these requirements, the Development Officer must issue the site plan approval with no additional involvement of NWCC.

Traffic Management

HRM Traffic Management requested additional information from the applicant after its review of the initial Traffic Impact Statement. Of particular concern were public safety and level of service at the intersection of Old Sackville Road, Walker Avenue and Downsview Drive, and the intersection of Old Sackville Road and the Beaver Bank Connector.

Existing conditions at the intersection of Old Sackville Road, Walker Avenue and Downsview Drive include a two-way stop with traffic on Old Sackville Road having the right-of-way, and a zebra-lined marked crosswalk across Old Sackville Road on the east side of Walker Avenue and Downsview Drive. There are also lined crosswalks across Walker Drive and Downsview Avenue.

Existing conditions at the intersection of Old Sackville Road and the Beaver Bank Connector include a signalized intersection, signalized crosswalks, with 6 lanes of traffic on the Beaver Bank Connector and 2 lanes of traffic on Old Sackville Road. There are right-turn slip lanes at each corner of this intersection.

There are existing operational deficiencies affecting public safety and level of service at both intersections. Adding more dwelling units to this area without modifying existing conditions would be expected to aggravate these deficiencies with possible negative effects on public safety.

HRM Traffic Management and the Nova Scotia Department of Transportation and Infrastructure Renewal completed a safety audit of these intersections. Details of this process along with a more comprehensive description of the safety issues at hand were presented to Regional Council within a [December 3, 2019 staff report](#). Council considered this report and directed staff to implement immediate improvements to the existing conditions. Additionally, Council directed staff to continue working with NSTIR on identifying the most appropriate treatment for more substantial modification / upgrades to the Beaver Bank Connector / Old Sackville Road intersection, including potential funding partnerships for consideration in future capital plans.

At the request of the HRM Traffic Engineer, the applicant provided preliminary designs which illustrate that there are a variety of changes that could be made to these intersections to mitigate any increase in traffic attributable to the proposed development. At the permitting stage, the HRM Traffic Engineer will complete an evaluation of existing traffic conditions and intersection performance based on the number of new dwelling units being proposed. If safety and operational deficiencies continue at permitting, improvements to the intersections will be required prior to permit issuance, and the applicant will be requested to provide detailed designs and costing for mitigation measures. It is possible that these mitigation measures will provide an interim solution to the increased traffic this development will direct towards the problematic intersection. These measures would be in place until such time that a more comprehensive and permanent solution can be developed and funded by HRM and NSTIR staff. In advance of this more permanent work, any work within the right-of-way required to meet HRM Traffic Management level of service and public safety objectives to accommodate the proposed development would be the financial responsibility of the property owner.

Little Sackville River

The subject site abuts the Little Sackville River along part of the site's eastern edge. The Sackville Drive Secondary Planning Strategy requires an extended 30.5-metre watercourse buffer from the Ordinary High Water Mark of the Little Sackville River; the P-3 (Floodplain) Zone limits development and protects the Little Sackville River with a 30.5-metre buffer from the River's 1:20 year floodplain. The concept design provided by the applicant does not propose any development within either the P-3 Zone or the 30.5 m watercourse buffer.

The Sackville Drive Land Use By-law includes additional protections for the Little Sackville River, including:

- Requirement for an Erosion and Sedimentation Control Plan prepared by a professional engineer, including floodplain delineation of the Little Sackville River's floodplain on the subject site; and
- Requirement for a Stormwater Drainage Report that includes:
 - A description (text or illustrations) of the measures proposed that will limit peak storm water runoff to an amount that is equal to or less than 40% of the uncontrolled flow across the site once it is fully developed;
 - A description (text or illustrations) of the location of buildings, structures and parking areas on the subject site and the measures proposed to minimize the alteration of natural grades and the area of impervious surfaces;

Staff are satisfied that the Sackville Drive Land Use By-law provides adequate protection of the Little Sackville River.

Servicing

Capacity of sanitary and storm sewer infrastructure in the Sackville area is an ongoing concern. Initial comments received from Halifax Water in relation to this application indicated a reluctance to support any development beyond an equivalent to what would be permitted by-right within existing zoning. In response to this concern, Halifax Water and the applicant undertook a process to compare the proposed development to what would be permitted by-right within the existing zones. Following this comparison, Halifax Water was

satisfied that the proposed development would not create more demand than by-right development would create and was supportive of this application.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the RMS, MPS and SPS. Most of the subject site is presently zoned to permit new multi-unit dwellings by-right. The entire subject site is designated Downsview Beaver Bank, a designation that promotes large scale commercial uses and multi-unit dwellings. The Sackville Drive SPS and LUB provide sufficient protection for the Little Sackville River. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2019-2020 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, 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 additional concerns were identified beyond those raised in this report.

ALTERNATIVE

1. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed 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 approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

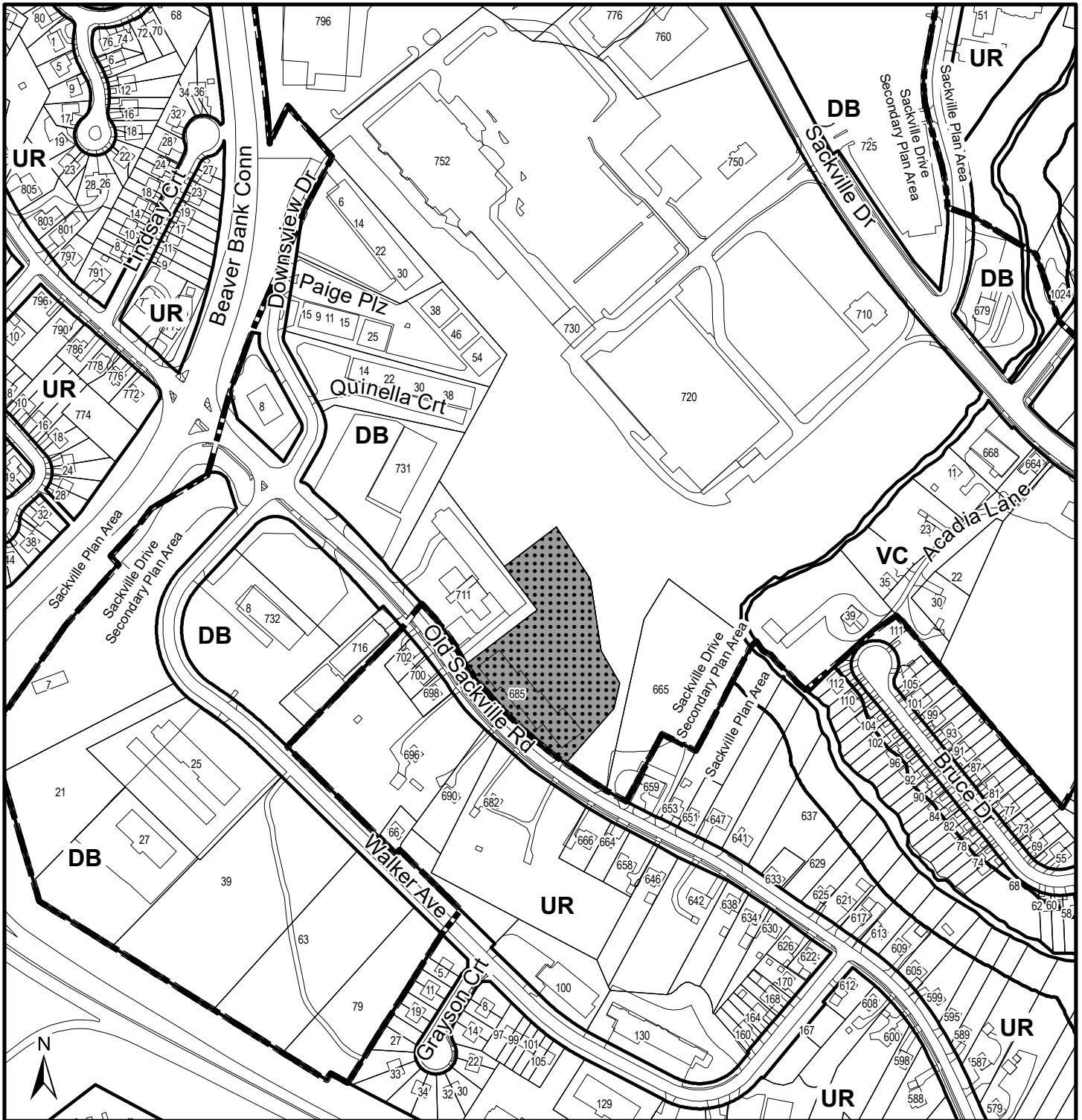
Map 1: Generalized Future Land Use
Map 2: Current Zoning
Map 3: Notification Area

Attachment A: Proposed Amendment to the Land Use By-law for Sackville Drive
Attachment B: Review of Relevant MPS and SPS Policies
Attachment C: Public Information Meeting Summary
Attachment D: Concept Site Plan
Attachment E: Sackville Drive LUB – List of Permitted Uses in the LS, DC-2 and DC-3 Zones

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jamy-Ellen Klenavic, Planner 2, 902.490.2665

Report Approved by: Steven Higgins, Manager, Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

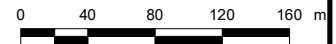
685 Old Sackville Rd,
Lower Sackville

HALIFAX

 Subject Property

Designation
Sackville Drive Secondary Plan Area
 DB Downview / Beaver Bank
 PR Pedestrian Retail
 VC Acadia Village Centre

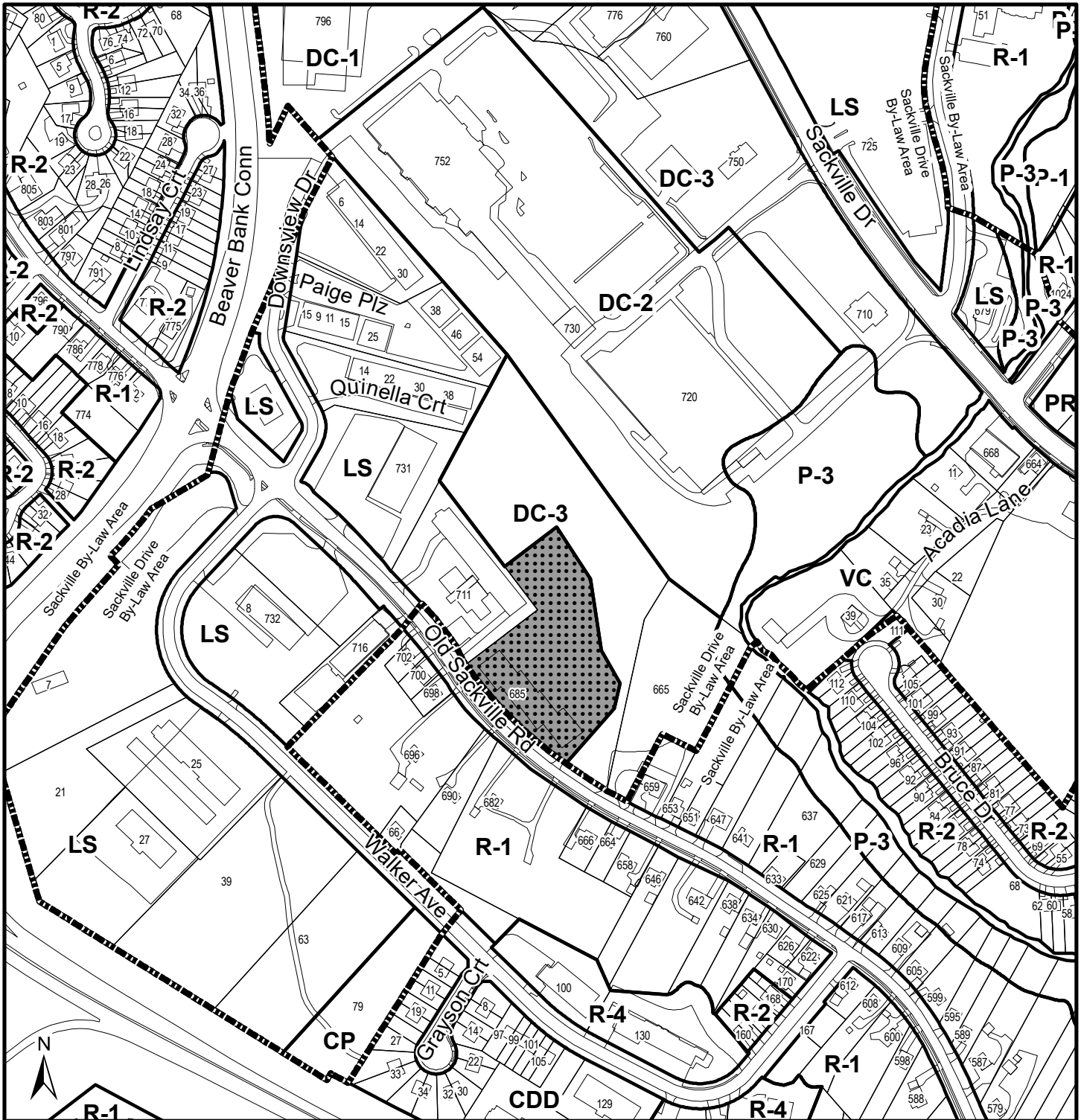
Designation
Sackville Plan Area
 FP Floodplain
 RR Rural Residential
 UR Urban Residential



Sackville Drive
Secondary Plan Area

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.



Map 2 - Zoning

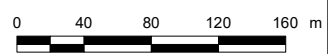
685 Old Sackville Rd,
Lower Sackville



Subject Property

Zone	Sackville Drive By-Law Area
CP	Community Parkland and Facility
DC-1	Downsview Complex-1
DC-2	Downsview Complex-2
DC-3	Downsview Complex-3
LS	Large Scale Commercial
P-3	Floodplain Zone
PR	Pedestrian Retail
VC	Acadia Village Centre

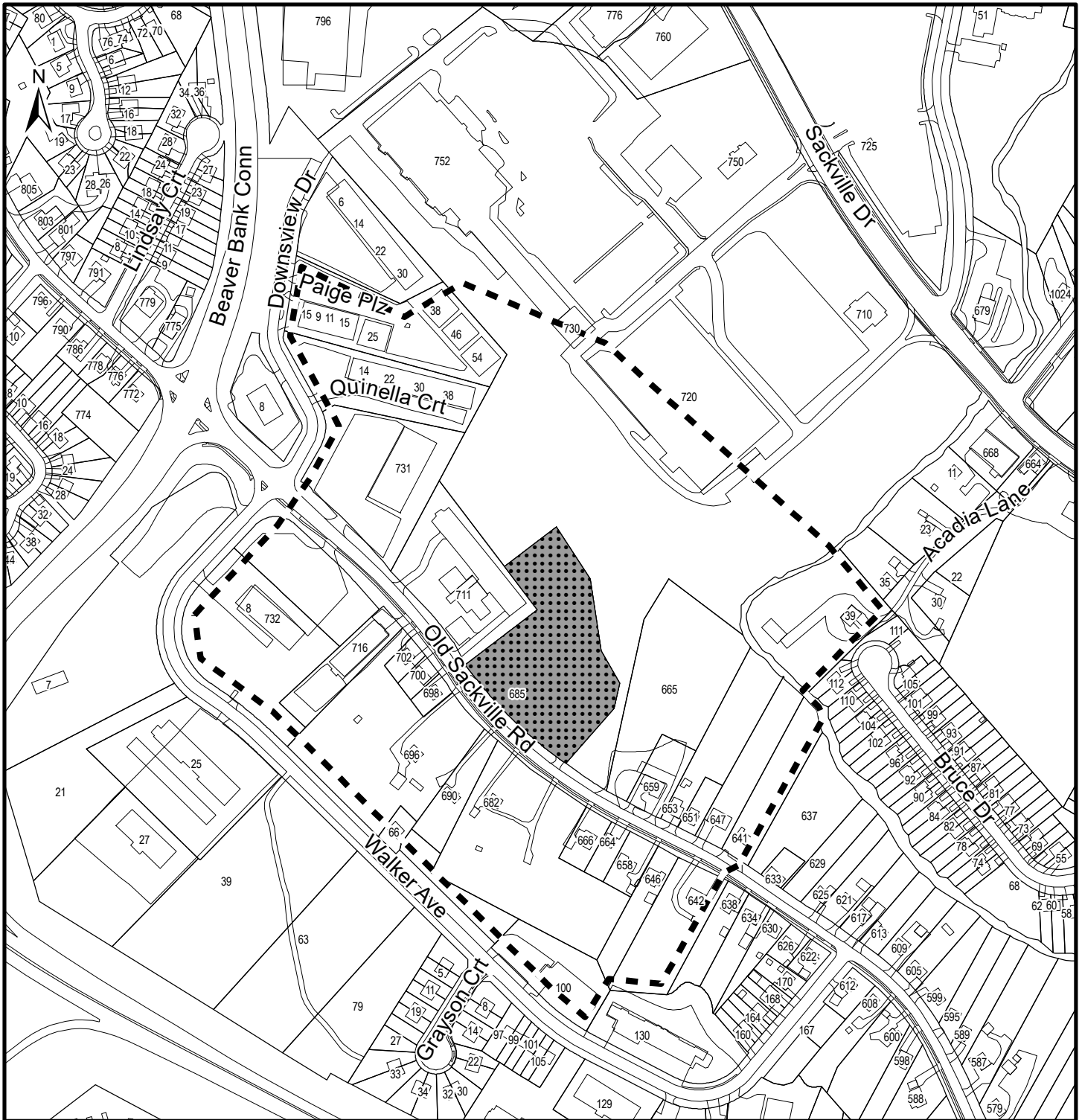
Zone	Sackville By-Law Area
CDD	Comprehensive Development District
P-1	Open Space
P-3	Floodplain
R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-4	Multiple Unit Dwelling



Sackville Drive
By-Law Area

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


Map 3 - Area of Notification

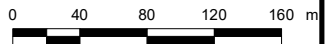
685 Old Sackville Rd,
Lower Sackville

HALIFAX

 Subject Property

 Area of Notification

Sackville Drive
Land Use By-Law Area



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

ATTACHMENT A

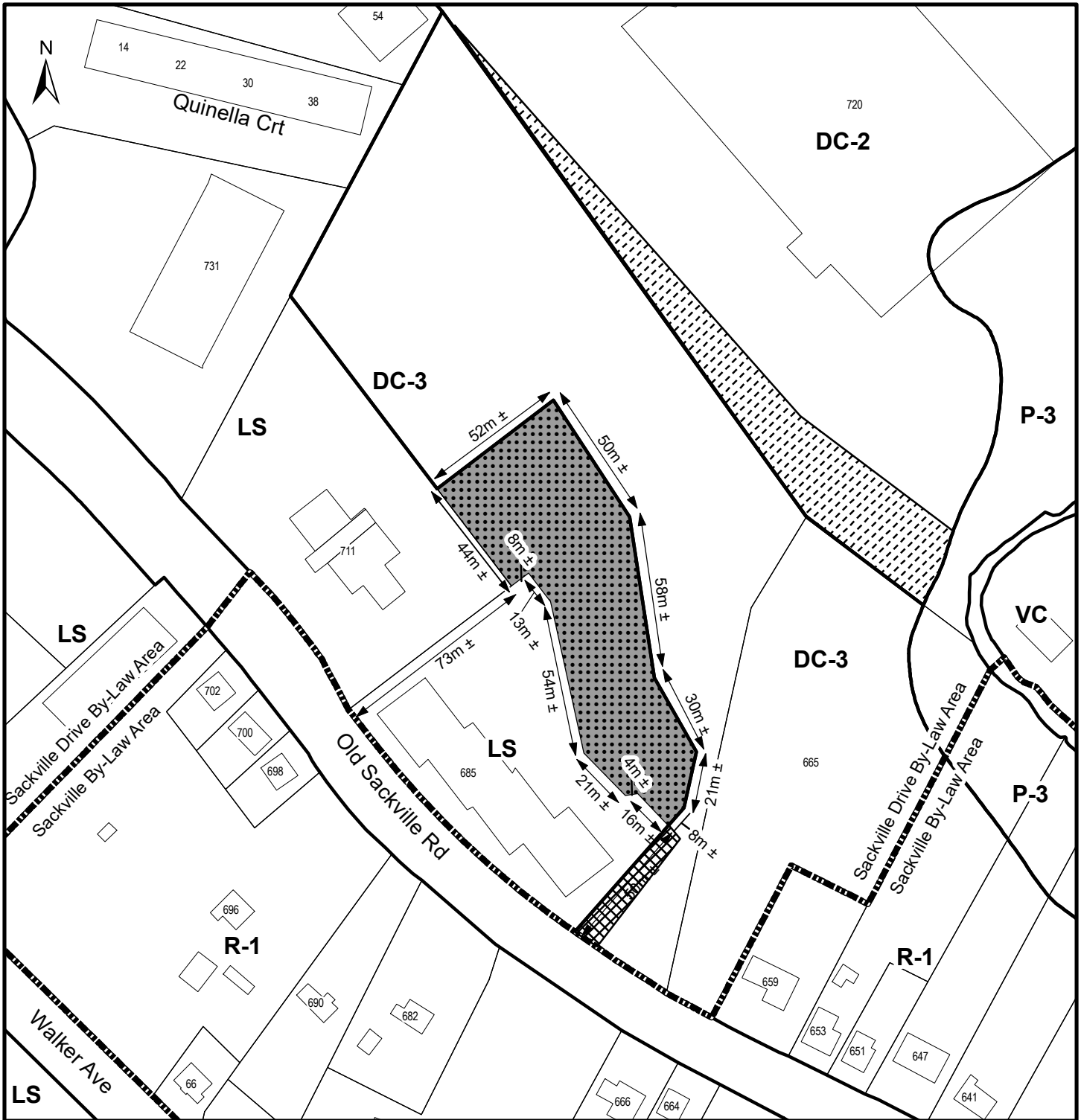
Proposed Amendment to the Land Use By-law for Sackville Drive

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

1. Amend Schedule B: Sackville Drive Zoning Map by:
 - a) Rezoning a portion of the property identified as PID 40607160 from the LS (Large Scale Commercial) Zone to the DC-3 (Downsview Complex 3) Zone, as shown on the attached Schedule A;
 - b) Rezoning a portion of the property identified as PID 41063983 from the DC-3 (Downsview Complex 3) Zone to the LS (Large Scale Commercial) Zone, as shown on the attached Schedule A; and
 - c) Rezoning a portion of the property identified as PID 41063983 from the DC-2 (Downsview Complex 2) Zone to the DC-3 (Downsview Complex 3) Zone, as shown on the attached Schedule A.




I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on _____, 2020.

Kevin Arjoon
Municipal Clerk



Schedule A

685 Old Sackville Rd,
Lower Sackville

-  Area to be Rezoned from LS to DC-3
-  Area to be Rezoned from DC-3 to LS
-  Area to be Rezoned from DC-2 to DC-3

Sackville Drive By-Law Area

- DC-2 Downsview Complex-2
- DC-3 Downsview Complex-3
- LS Large Scale Commercial
- P-3 Floodplain Zone
- VC Acadia Village Centre

Sackville By-Law Area

- P-3 Floodplain
- R-1 Single 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.

Sackville Drive By-Law Area

Attachment B – Review of Relevant MPS and SPS Policies

REGIONAL MUNICIPAL PLANNING STRATEGY (2014)	
POLICY:	STAFF COMMENT:
<p>Policy E-21:</p> <p>HRM shall restrict development and prohibit the placement of fill or alteration of grades in association with development that restricts the capacity of flow or increases flood levels within the 1 in 100 year and 1 in 20 year floodplains for designated watercourses, under secondary planning strategies and land use by-laws. Water control structures, boardwalks and walkways, conservation uses, historic sites and monuments and wastewater, stormwater and water infrastructure shall be permitted within floodplains. Within the 1 in 20 year floodplain, treatment facilities for wastewater, storm water and water shall be limited to facilities that were in existence on or before June 25, 2014. Within the 1 in 100 year floodplain, HRM may, through secondary planning strategies and land use by-laws, permit development which has been adequately flood-proofed.</p>	<p>1:20 year floodplain is delineated by the P-3 (Floodplain) Zone in the Sackville Drive Plan Area.</p> <p>The concept design does not propose any development in the P-3 (Floodplain) Zone. If the rezoning is approved, Land Use By-law will continue to restrict development in the P-3 (Floodplain) Zone and within the watercourse buffer.</p> <p>This application does not request any changes to the P-3 (Floodplain) Zone boundary.</p>
SACKVILLE DRIVE SECONDARY PLANNING STRATEGY (2002)	
DOWNSVIEW-BEAVER BANK DESIGNATION POLICES	
POLICY:	STAFF COMMENT:
<p>Policy DB-1:</p> <p>A Downsview-Beaver Bank Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use, that shall:</p>	<p>The subject site is located within the Downsview-Beaver Bank Designation.</p> <p>Property referenced as the subject site includes areas of land that would be subdivided subsequent to any rezoning to create the building lot for the proposed three new multi-unit dwellings.</p>
<p>(a) encourage the creation of a visually attractive and viable retail power centre in Sackville;</p>	<p>Adding residents to the immediate area could improve the viability of existing retail uses and encourage commercial development.</p> <p>No commercial uses are proposed for the subject site.</p>
<p>(b) discourage new high-density residential uses, other than within the Downsview Complex Zones and with the exception of a mixed-use multiple unit development at 8 Walker Avenue and 732 Old Sackville Road as permitted by</p>	<p>Approximately 75% of the subject site is currently zoned DC-3 (Downsview Complex 3).</p> <p>Approximately 5,445 m² (58,609.5 ft²) of the 38,163 m² (410,783 ft²) subject site is currently zoned LS</p>

<p>Development Agreement due to its proximity to the Halifax Transit Sackville Terminal;</p>	<p>(Large Scale Commercial), which permits existing multi-unit dwellings such as the one at 685 Old Sackville Road. New multi-unit dwellings are not permitted in the LS Zone by-right.</p> <p>Request is to rezone remainder of subject site to DC-3. The rezoning request does not apply to existing P-3 (Floodplain) zone on the subject site.</p> <p>Multi-unit dwellings are permitted by-right in the DC-3 Zone, subject to site plan approval by the Development Officer.</p>
<p>(c) discourage small scale retail and commercial uses within the Large Scale Commercial Zone;</p>	<p>The rezoning request will remove part of subject site from the Large Scale Commercial zone.</p> <p>If the rezoning is approved, no part of the subject site would be zoned LS (Large Scale Commercial).</p> <p>Area 3 to be rezoned to LS Zone to accommodate expanded parking facilities for existing multi-unit dwelling at 685 Old Sackville Road.</p>
<p>(d) encourage the restoration of the Downsview Shopping Centre and Plaza to re-instill it as an important and viable community commercial centre;</p>	<p>Increasing residential population adjacent to Downsview Shopping Centre could add potential customers.</p>
<p>(e) improve vehicular movement;</p>	<p>Access proposed to be from Old Sackville Road.</p> <p>Traffic conditions to be evaluated at permitting. Property owner could be required to partially upgrade intersections at its expense.</p> <p>See comments under Sackville Drive SPS Policy IP-5 (iv), below.</p>
<p>(f) create a recognizable entry into Sackville Drive;</p>	<p>Not relevant – subject site has no access to or frontage on Sackville Drive.</p>
<p>(g) improve the visible and physical connection to the Little Sackville River; and</p>	<p>Subject site abuts the Little Sackville River.</p> <p>Site plan would be controlled by the Sackville Drive Land Use By-law – there is no ability to require access or connection to the River except as required by Land Use By-law.</p>
<p>(h) improve the quality and image of the streetscape.</p>	<p>Subject site does not abut Sackville Drive.</p> <p>Applicant has not been requested to provide any detailed design/elevation drawings for the proposed development.</p> <p>Building design would be controlled by Sackville</p>

	Drive Land Use By-law.
LITTLE SACKVILLE RIVER POLICIES	
POLICY:	STAFF COMMENT:
<p>Policy LSR-1:</p> <p>Within all designations, no infilling of watercourses, wetlands, or flood plains shall be permitted except required stream crossings, and arcades, esplanades, board walks, open spaces, and recreation uses, or where absolutely required for road and utility access to development permitted by the land use By-law.</p>	<p>The application does not request changes to the existing P-3 (Floodplain) Zone boundary on the subject site abutting the Little Sackville River.</p> <p>A 30.5 metre watercourse buffer will be established and is controlled through the site plan approval process and at permitting.</p>
<p>Policy LSR-2:</p> <p>Within all designations, no development (including the erection of a structure, the clearing of vegetation or the alteration of existing grades) shall be permitted within a buffer zone of undisturbed ground and vegetation that extends 100 feet from all watercourses and wetlands, including floodplain, except required stream crossings, and arcades, esplanades, board walks and open space and recreational uses. Provision shall be made for 50 feet buffer zones on lots in existence as of May 7, 2002, would be made unreasonably affected by the 100 feet requirement.</p>	<p>Restricted development within 30.5 m (100 ft) of the ordinary high water mark of the Little Sackville River and any contiguous wetlands (Watercourse Buffer).</p> <p>1:20 year floodplain is delineated by the P-3 (Floodplain) Zone.</p> <p>Floodplain not independently delineated by applicant but this will be required as part of the Sedimentation and Soil Erosion Control Plan required prior to permitting.</p> <p>No rezoning is proposed for lands within the floodplain – the existing P-3 (Floodplain) Zone will remain with its existing boundary.</p>
<p>Policy LSR-3</p> <p>Every effort shall be made to ensure that vegetation remains undisturbed on steep slopes.</p>	<p>Subject site is sloped.</p> <p>Slope Stabilization Plan required by Land Use By-law prior to permitting.</p> <p>Required watercourse buffer increases by 1 metre for each 2% grade above 20%.</p> <p>Erosion and Sedimentation Control Plan required by Land Use By-law prior to permitting.</p>
<p>Policy LSR-8</p> <p>In recognition of the importance of a contiguous trail system along the river between residential uses and Sackville Drive, HRM shall support the Sackville River Association toward the achievement of the Sackville River and Little Sackville River Trail Systems.</p>	<p>Requested rezoning would not inhibit the achievement of the Little Sackville River Trail System.</p> <p>Applicant has had discussions with HRM Real Estate for the extension of the Little Sackville River Trail across the subject site. However, HRM can not require that this trail be completed as part of this application.</p>

	<p>Little Sackville River is protected and buffered from the proposed development by existing P-3 (Floodplain) Zone.</p> <p>Development on subject site would be controlled by the Sackville Drive Land Use By-law.</p>
<p>Policy LSR-10:</p> <p>Within the Downsview-Beaver Bank Designation, a Flood Plain Zone shall be established under the Land Use By-law. The Zone shall permit conservation, storm water engineering, recreation and parks uses, including board walks, arcades and esplanades. Any structures intended for human habitation, whether permanent or temporary, shall be prohibited.</p>	<p>Subject site includes land zoned P-3 (Floodplain) abutting the Little Sackville River.</p> <p>Development in the floodplain is controlled by the Sackville Drive Land Use By-law.</p> <p>No request to change boundaries of P-3 (Floodplain) zone.</p>

IMPLEMENTATION POLICIES:	
POLICY:	STAFF COMMENT:
<p>Policy I-4</p> <p>The following uses shall be considered subject to the entering into a development agreement:</p>	
<p>(a) Within the Downsview-Beaver Bank Designation:</p>	
<p>1. All commercial developments containing a building footprint of 10,000 square feet, or less;</p>	<p>N/A - Commercial uses are not proposed in the concept design.</p>
<p>2. Acadia Village Centre Uses;</p>	<p>N/A - Acadia Village Centre uses are office and commercial uses – not proposed for the subject site.</p>
<p>(e) Within all Designations:</p> <p>1. Buildings over 50ft (15.24m) in height;</p>	<p>Only development that is less than 50ft (15.24m) tall could be permitted by Site Plan Approval if the rezoning is allowed.</p> <p>Development more than 50ft (15.24m) tall would require a development agreement.</p>

<p>Policy I-5</p> <p>In considering a development agreement or rezoning, Council shall have regard to the following matters:</p>	
<p>(a) the proposal furthers the intent of the streetscape guidelines established within the Land Use By-law and Schedule D relating to signage, architecture, landscaping, parking and driveway entrances;</p>	<p>Subject site does not abut Sackville Drive.</p> <p>Grade of subject site and placement of existing Downsview Shopping Centre will significantly obstruct visibility of proposed development from Sackville Drive.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>Applicant would be responsible for any costs arising from any required upgrades to existing infrastructure.</p> <p>New infrastructure and equipment located on private property will not be owned or maintained by HRM.</p>
<p>(ii) the adequacy of sewer and water services;</p>	<p>Applicant will be required to show capacity in existing sanitary and drinking water infrastructure prior to permitting.</p> <p>Preliminary submissions by the Applicant to Halifax Water have shown that existing zones would permit by-right density similar to concept proposal, no net increase in service (water or sewer) capacity is expected. To be confirmed by Halifax Water at permitting.</p>
<p>(iii) the adequacy or proximity of school, recreation and other community facilities;</p>	<p>Halifax Regional Centre for Education provided comments and has no concerns - all schools have capacity:</p> <ul style="list-style-type: none"> • Sycamore Lane Elementary School (English programming) • AJ Smeltzer Jr High (English Programming) • Cavalier Drive Elementary School (French Immersion Programming) • Leslie Thomas (middle school – French Immersion Programming) • Sackville High <p>Recreation amenities close to the subject site:</p> <ul style="list-style-type: none"> • Sackville Sports Stadium • Sackville Public Library

	<ul style="list-style-type: none"> • Acadia Centre • Sackville Heights Community Centre <p>Parks close to the subject site:</p> <ul style="list-style-type: none"> • Sackville River Linear Park • Bruce Drive Park • Salmon Run Park • Grayson Court Park • Walker Avenue Park • Leaside Community Park • Seawood Avenue Park • William Henry Harry Little Park • Wynn Castle Drive Park
(iv) the adequacy of road networks leading or next to, or within the development; and	<p>Existing operational deficiencies at the intersection of Old Sackville Road, Walker Avenue and Downsview Drive, and the intersection of Old Sackville Road and the Beaver Bank Connector have been identified and which result in unsatisfactory level of service and compromised public safety at these intersections.</p> <p>Any development on the subject site is expected to add traffic to these two intersections which are performing below standard under existing conditions.</p> <p>Applicant has provided preliminary designs showing a variety of possible changes to problematic intersections to mitigate anticipated traffic impacts of the proposed development. At permitting, the HRM Traffic Engineer will complete an evaluation of existing traffic conditions and intersection performance. If safety and operational deficiencies continue at that time, improvements to the intersections will be required prior to permit issuance.</p> <p>Access proposed to be from Old Sackville Road.</p>
(v) the potential for damage to or for destruction of designated historic buildings and sites.	No concern – subject site is vacant with no known cultural heritage.
(c) that controls are placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:	<p>Development on the subject site would be controlled by the Sackville Drive Land Use By-law.</p> <p>Site-specific controls would not be possible.</p>
(i) type of use;	<p>There are other multi-unit dwellings in the area.</p> <p>Approximately 75% of the subject site is already</p>

	<p>zoned to permit new multi-unit dwellings as of right.</p> <p>Proposed use is residential and not expected to be obnoxious.</p>
(ii) height, bulk and lot coverage of any proposed building;	Height, bulk and lot coverage would be controlled by the zone standards in the Sackville Drive Land Use By-law.
(iii) traffic generation, access to and egress from the site, and parking;	<p>Access to and from subject site to be reviewed at permitting.</p> <p>Any development on the subject site is expected to generate traffic on Old Sackville Road and contribute traffic to the intersection of Old Sackville Road, Walker Avenue and Downsview Drive, and the intersection of Old Sackville Road and the Beaver Bank Connector. Both intersections are over-subscribed under existing conditions and will require upgrades prior to permitting if similar conditions persist.</p>
(iv) open storage;	<p>No open storage proposed as part of residential use.</p> <p>Refuse storage must comply with Sackville Drive Land Use By-law.</p>
(v) maintenance; and	<p>Staff have no specific concerns relating to maintenance.</p> <p>Maintenance of the subject site must comply with all HRM by-laws and regulations.</p>
(vi) any other relevant matter of planning concern.	<p>Sackville Rivers Floodplain Study (2017) maps the 1:20 and 1:100 floodplain of the Little Sackville River, including a floodplain on the subject site.</p> <p>Regional Council may choose to change the P-3 (Floodplain) Zone boundary on the subject site to reflect the 2017 floodplain maps. Any changes would be the result of a comprehensive review of 2017 floodplain mapping, not this rezoning application.</p>
<p>Policy I-6</p> <p>The following uses shall only be considered subject to the entering into a Site Plan Approval:</p> <p>(a) Within the Downsview Complex Zones 1, 2, and 3:</p> <p>1. All shopping centres, commercial</p>	<p>Any new multi-unit dwelling on the subject site must obtain Site Plan Approval from the Development Officer prior to development permit issuance.</p>

<p>institutional and multiple residential uses, where a new building(s), expansions and/or renovations, excluding internal renovations with no external renovation or modifications, to existing buildings are proposed.</p>	
<p>Policy I-15</p> <p>This Plan is secondary to the Sackville Municipal Planning Strategy, and shall take precedence over any issues affecting Sackville Drive and area. All matters not specifically addressed within the Secondary Plan, including but not limited to, central servicing, education, protection and emergency services, and social housing, shall be deferred to the Sackville Municipal Planning Strategy for primary reference and guidance.</p>	<p>Sackville Drive SMPS does not include enabling provisions in conflict with Sackville MPS Policy IM-6, below.</p>
<p>SACKVILLE MUNICIPAL PLANNING STRATEGY (1994) POLICIES:</p>	
<p>POLICY:</p>	<p>STAFF COMMENT:</p>
<p>Policy IM-6</p> <p>Providing that the intentions of all other policies are satisfied, the Sackville Community Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following development agreements and amendments to the land use by-law, for lands which are located where any land use designations abut one another, as shown on the Map 1 - Generalized Future Land Use:</p> <p>(a) amendments within a designation to provide for the development of uses which are uses permitted within the abutting designation;</p> <p>(b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation; and</p> <p>(c) development agreements within a designation which are extensions of development agreements in effect on the abutting property within the abutting designation.</p>	<p>Policy IM-6 (b) permits NWCC to consider this application without any amendment to the Sackville Drive SPS.</p>

Attachment C: Public Information Meeting Summary

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 21859

The following does not represent a verbatim record of the proceedings of this meeting.

Wednesday, February 6, 2019

7:00 p.m.

Sackville Heights Community Centre - Silver & Gold Room - 45 Connolly Road, Middle Sackville

STAFF IN

ATTENDANCE: Jamy-Ellen Klenavic, Planner, Planner II, HRM Planning
Alden Thurston, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Councillor, Steve Craig, District 15
Ronald Smith – Applicant
Rijpke Beukema - Developer

PUBLIC IN

ATTENDANCE: Approximately: 20

The meeting commenced at approximately 7:04 p.m.

Call to order, purpose of meeting – Jamy-Ellen Klenavic

Ms. Klenavic introduced herself as the Planner and Facilitator for the application. They also introduced; Councillor Steve Craig, Tara Couvrette – Planning Controller, Alden Thurston - Planning Technician, and the applicant, Ronald Smith – StudioWorks Inc.

Case No. 21859 - Application by Studioworks Inc, on behalf of the owners, to rezone portions of lands at 685 Old Sackville Rd, 665 Old Sackville Rd, and 750 Sackville Dr., to enable 3 multi-unit buildings at 665 Old Sackville Rd, Lower Sackville.

Ms. Klenavic explained; 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 Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1a) Presentation of Proposal – Ms. Klenavic

Ms. Klenavic provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the applicants request. Ms. Klenavic outlined the context of the subject lands and the relevant planning policies.

1b) Presentation by Ronald Smith, Applicant

Mr. Smith explained what they were looking to do on the site.

2. Questions and Comments

Thomas Kingston, Old Sackville Rd – wanted to know if there would be a privacy fence put up and asked about a dwelling being put up by his property. Also wanted to know what the height of the building would be. Would it be high enough to be seen over the bank? **Ron** – stated there would be no dwelling where Thomas was concerned about and thinks there would be fencing or landscaping for privacy. Said they may see the face of the building.

Jim Murphy, Old Sackville Rd. – Was also concerned a dwelling being put on the small piece of property being added. Would like to know if it was 30 feet wide that would be added to the LS? **Ron** – The land is

just housekeeping to be able to add a landscaping buffer for that trail. **Jim** – it is all parking lot right now. They are concerned a building might go there. **Ron** – it's not going to be all parking lot. That piece is so small there will never be a building in that location. Would not want a building in the entrance to the development. **Jim** – it is called a driveway and not a road and is concerned about that and who would be responsible for the upkeep. Finds that when they are privately owned the owners don't always take care of the issues like HRM would if it was an HRM owned road. They are also concerned about lighting. **Jamy-Ellen** – explained the zoning that is in place now and even if it was rezoned would not allow for a small dwelling on that small piece of property people are concerned about. Jamy-Ellen also explained that it would be a driveway into the development and not a street so it would be privately owned and maintained. This would be the same for the lighting.

Renee Gosse, Old Sackville Rd. – has concerns about traffic onto Old Sackville Rd. **Jamy-Ellen** explained that HRM traffic Management flagged that as an issue as well. They said that next year there will be a scheduled review for that adequacy of that infrastructure to see if there needs to be upgrades. At permitting the applicant will have to show what is there now is suitable for the current infrastructure. **Renee** – Do we know the intention of these buildings, are they higher end? **Jamy-Ellen** – that is not something that HRM can control. **Renee** – because you said there are two bylaws affecting this, do they conflict and is one better? **Jamy-Ellen** – stated all of the development would be in the Sackville Drive Plan area and the same designation. **Renee** wanted to know who North West Community Council was and what DC3 was. **Jamy-Ellen** explained the bodies of council. Also, DC3 is the Downsview Complex Three zone and is just the name of the zone.

Walter Regan, Sackville Rivers Association – Thinks this is a good development overall. Is very impressed how this is an infill project. Would like to see the hard surface be reduced as much as possible. Over 54% of the Little Sackville River is now a hard surface. Would like to see the hard surface parking lots reduced to unground parking. Would like to know if this site could install sewer holding tanks. Thinks the present storm water retention pond may be too small, could it be sized for the 1-100-year storm. Could the storm water pond be turned into a habitat wetland pond upon completion, would really not want to see a water jail. Would like to see the use of oil grid separators to capture runoff from the hard surfaces. Please to see the developer step up and build the active transportation trail. This will add so much to Sackville. Would be nice to see the trail developed all the way to Sackville Dr. Hope that the 100-foot setback will be respected and no development occur there. Very concerned due to the clays in the hill that there is an aggressive and very well thought out sedimentation and erosion control plan. Concerned that in a heavy rain event there will be massive runoffs into the Little Sackville River. Hopes HRM will be aggressive in the protection of the river. Would like to see a landscape architect be hired to oversee the landscaping of this area. Also has an ongoing issue with the treatment of stormwater. Would it be possible to treat stormwater before it is discharged into the Little Sackville River? The flood plain zone that you showed us, is that the old flood plain mapping or the new one from 2018? **Jamy-Ellen** – it represents the old flood plain mapping. The development wouldn't be happening in the flood plain zone. **Walter** – asked that the 2018 mapping be respected. Is it possible that the developer and HRM talk to Crombie to properly develop the stormwater retention ponds now on Sobeys property and turn it into a park for the community? **Jamy-Ellen** stated there is a lot of policy about protecting the Little Sackville River which is reflected in the Land Use Bylaw.

Thomas Kingston, Old Sackville Rd – is concerned about a large tree behind his property that rare birds flock to. They would like to have that tree retained. **Ron** – will pass that along to the developer and in most cases, they do see the value in retaining mature trees. Also wanted it stated that these buildings will have underground parking.

Allan Owen, Sackville Rivers Association – same concerns as Walter. Would like to emphasize that they do now want to see any silt flowing off this project in the Little Sackville River. As part of that stormwater management is very important. Would like to know how many retention ponds they plan to have. **Ron** – two. **Allan** – Will they be permanent and will they be detention ponds or retention ponds. **Ron** – they are permanent and they will be retention ponds to capture it. **Allan** – so it could be naturalized with some ducks and wildlife using it. That would be great if that could happen. The ponds that are there now are significant because you will hear and see (red wing black birds etc.) wildlife there in the spring. Would like to see, as part of this development, those ponds rewilded, made more nature friendly. Is hoping that the Urban Forest Concept will be incorporated as part of this project. Does support the rezoning Was hoping to see the trail a little closer to the river but it might be a grade problem, is that correct? **Ron** – Yes.

Jason Craig, Acadia Lane – Shares some of the concerns of other neighbouring property owners but overall has no objection to the development. There is a lot of wildlife in the area around the river. There are a lot of trees along that river course and there is more habitat there than you might be thinking about and would hope that some of that be protected. How many storeys are you anticipating these buildings to be and what the elevations might look like. Planning some solar projects on their property and this might affect that. **Ron** – is anticipating these will be 5 storey buildings but doesn't feel they will affect his solar projects.

Jim Murphy, Old Sackville Rd. – finds it hard to support the rezoning when they really don't know what these buildings are going to be like. The biggest effect on Sackville is going to be weather these buildings are low, medium or high end. Feels a lot of money is going to come from the cost of the buildings and into the roads, lighting etc. Encouraging good quality buildings with inside garbage. What is there now is deplorable. The noise from the outside garbage bin collection is terrible.

Rijpke Beukema, Developer – wanted it known that his intention is to build high end buildings.

Councillor Craig - addressed the public.

3. Closing Comments

Ms. Klenavic thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 8:04 p.m.

Attachment E: Sackville Drive LUB - List of permitted uses in the LS, DC-2 and DC-3 Zones

Sackville Drive Land Use By-law

The subject site is currently zoned LS (Large Scale Commercial, DC-2 (Downsview Complex 2) and DC-3 (Downsview Complex 3) by the Sackville Drive Land Used By-law. The following indicates the uses that the Sackville Drive LUB permits in each of these zones:

LS (Large Scale Commercial) Zone:

- Big Box (Large Box Retail)
- Retail Stores
- Food Stores
- Building Supply Outlets
- Offices
- Banks and Financial Institutions
- Restaurants (full service, drive-thru and take-out)
- Commercial Entertainment Uses
- Commercial Recreation Uses
- Garden Market and Nurseries associated with Retail Stores
- Automotive Rental Facilities/Car Rental Agency
- Automotive Service Stations
- Taxi and Bus Depots
- Commercial Parking Lot
- Automotive Repair Outlets
- Self Storage Facilities
- Motel/Hotel
- Funeral Home
- Motor Home Sales and Service
- Shopping Centre
- Strip Mall/Shopping Plaza
- Equipment Rental
- Bakeries (including wholesale)
- Service and Personal Service Shops contained with a Big Box (Large Box Retail)
- Strip Mall/Shopping Plaza
- Existing Multiple Unit Dwelling
- Existing Outdoor Display Courts
- Existing welding, plumbing and heating, electrical, automotive and other trade contracting services & shops
- Existing Autobody Shop s
- Educational Institutions (including commercial schools)
- Denominational Institutions excluding cemeteries
- Medical, Veterinary and Health Service Clinics; outdoor kennels associated with veterinary clinics are prohibited
- Day Care Facilities
- Civic Buildings including but not limited to public office, post office, fire station, police station, library, museum, gallery
- Public Transit Terminal
- Community/Recreational Centre
- Community Parkland and Facility uses
- Existing Single Unit Dwellings
- Existing Two Unit (detached and semi-detached) Dwellings
- Existing Townhouses
- Existing Multiple Unit Dwellings

DC-2 (Downsview Complex 2) Zone:

- 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, take-out and drive-thru)
 - Commercial Entertainment Uses
 - All Age/Teen Club
 - Commercial Recreation Uses
 - 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 Community/Recreational Centre
 - 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
- Big Box (Large Box Retail) containing any of the following uses:

- Garden Market associated with Retail Stores
- Bakeries
- Office, fire station, police station, library, museum, and gallery
- Day Care Facilities
- Automotive Repair Outlets in conjunction with retail store

- Retail Stores
- Food Stores
- Offices
- Service and Personal Service Shops
- Health and Wellness Centres
- Banks and Financial Institutions

- Community Parkland and Facility uses

Uses Permitted by Site Plan Approval:

- Shopping Centres • Big Box (Large Box Retail)

DC-3 (Downsview Complex 3):

- Retail Stores
- Food Stores
- Offices
- Service and Personal Service Shops
- Banks and Financial Institutions
- Restaurants (full service, drive-thru and take-out)
- Commercial Entertainment Uses
- All Age/Teen Club
- Commercial Recreation Uses
- Transit (Taxi and Bus) Terminals
- "Park n Ride" Facilities
- Garden Market associated with Retail Stores
- Automotive Repair Outlets in conjunction with retail store

- Self Storage Facilities
- Automotive Service Stations
- Motel/Hotel/Guest Home
- Commercial Parking Lots
- 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 by not limited to public office, post office, fire station, police station, library, museum, and gallery

- Community/Recreational Centre
- Community Parkland and Facility uses
- Seniors Residential Complex
- Residential Care Facility
- Multiple Unit Dwellings

Uses Permitted by Site Plan Approval:

- all Commercial Uses
- all Institutional and Community Uses
- all Residential Uses