



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

Item No. 10.1.1
North West Community Council
January 11, 2021

TO: Chair and Members of North West Community Council

- Original Signed -

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

DATE: August 13, 2020

SUBJECT: **Case 22865: Rezoning Application, PID 41489048, Sackville Drive, Middle Sackville**

ORIGIN

Application by WSP, on behalf of the property owner.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Sackville, as set out in Attachment A, to rezone lands known as PID 41489048 on Sackville Drive, Middle Sackville from the R-6 Zone to the R-4 Zone, and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Sackville, as set out in Attachment A.

BACKGROUND

WSP, on behalf of the property owner, is applying to rezone lands known as PID 41489048 on Sackville Drive from the R-6 (Rural Residential) Zone to R-4 (Multiple Unit Dwelling) Zone of the Sackville Land Use By-law, to enable the development of a multiple unit dwelling with four units.

Subject Site	Sackville Drive, Middle Sackville (PID no. 41489048)
Location	North side of Sackville Drive, East of Lively Road
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Urban Residential (UR) Sackville Municipal Planning Strategy
Zoning (Map 2)	R-6 (Rural Residential) Zone in the Sackville Land Use By-law
Size of Site	3,748 sq m (40,346 sq. ft.)
Street Frontage	24.56 m (81 ft.)
Current Land Use(s)	The site requested to be rezoned is vacant.
Surrounding Use(s)	The surrounding neighborhood is a mix of residential housing types including single unit dwellings, two-unit dwellings, and multiple unit dwellings, as well as a mix of commercial uses including retail, restaurant/takeout, auto repair, and a commercial greenhouse.

Proposal Details

The applicant proposes to rezone PID 41489048 on Sackville Drive from the R-6 (Rural Residential) Zone to the R-4 (Multiple Unit Dwelling) Zone of the Sackville Land Use By-Law to enable a multiple unit dwelling with four units.

The major aspects of the proposal are as follows:

- A 2-storey, townhouse-style multiple unit dwelling containing 4 residential units each with a separate exterior entrance; and
- A surface parking lot containing 8 parking spaces utilizing an existing access to Sackville Drive.

Enabling Policy and LUB Context

The property is designated Urban Residential (UR) under the Sackville Municipal Planning Strategy (MPS). Policy UR-7 enables Council to consider amendments to the Land Use By-law to permit multi-unit buildings up to a maximum of six units provided all applicable policy criteria are met. Attachment B contains a copy of the relevant policy from the Sackville MPS, as well as a staff assessment as to how this proposal adheres to this policy.

The property is currently zoned R-6 (Rural Residential) under the Sackville Land Use By-law (LUB) which permits single unit dwellings as the only residential housing type. Rezoning to R-4 is required to enable a multi-unit building.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and information letters mailed to property owners within the notification area. A total of 40 information letters were mailed, however no emails, calls, or correspondence with public comments regarding the proposal were received. Additionally, there were 91 unique views of the planning webpage having an average visit time of 2.5 minutes.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would enable the subject site to be re-zoned from R-6 to R-4.

LUB Amendment Review

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

Density

The applicable policies within the MPS speak to ensuring that municipal central services are available and capable of supporting the development. The existing R-6 Zone permits single unit dwellings as the only housing type. The R-4 Zone would permit a multi-unit building up to six (6) units. The applicant has completed a concept plan of subdivision (HRM file no. 22406) to determine the as-of-right density on the property. The concept subdivision plan determined that based on the existing lot size and street frontage, the site would permit a density of four units. The application review process has since confirmed that central services are available and capable of supporting the development.

Comparison of R-6 Zone and the R-4 Zone

The applicable policies within the MPS speak to ensuring new multiple unit dwellings maintain adequate separation distances from low density residential developments, and have heights, massing, lot coverages and appearances that are compatible with adjacent land uses.

The following table provides a comparison of the existing R-6 zone, and proposed R-4 zone:

	R-6 Zone	R-4 Zone
Maximum Lot Coverage	35%	50%
Maximum Height	35 feet	35 feet
Maximum Front Yard	20 feet	30 feet
Minimum Rear Yard	8 feet	½ the height of the main building
Minimum Side Yard	8 feet	½ the height of the main building

The R-4 Zone requirements are generally more restrictive than those of the R-6 Zone with respect to front, rear and side yard setbacks. Lot coverage in the R-4 Zone is marginally higher to rationalize building footprints for multi-unit buildings which are generally larger than traditional single unit lots, however height maximums are the same, and building setback minimums are greater. Additionally, the R-4 Zone requires a minimum lot area of 6,000 square feet plus an additional 1,500 square feet per dwelling unit for each unit in excess of the first three units. These zone requirements ensure adequate separation distances from adjacent developments and that building mass and scale is appropriate and less impactful to neighboring properties.

Additionally, the applicant has proposed the multi unit building to be located a minimum of 130 feet from the abutting single unit dwelling and other established residential R-1 (single unit dwelling) zoned properties to the west of the site. It is also planned to be sited 200 feet from the established residential R-6 (rural

residential) zoned properties to the east. However, it is important to note that these separation distances are not required by the R-4 Zone.

The proposed multi-unit building is intended to be a four-unit, two-storey, townhouse style building with separate entrance/exits for each unit. Building heights would be no higher than 35 feet, the proposal depicts a lot coverage of 12.8%, and the setback provision of the zone would be met. As such, the proposal would result in a massing, lot coverage, and height consistent with the existing residential homes and surrounding buildings in the neighborhood, while demonstrating adequate separation distances from adjacent properties. However, as this application is for a rezoning, it is important to note that the controls on the site would be those of the Sackville Land Use By-law zone provisions. The current development proposal could differ from what is ultimately developed, as long as the development meets the controls of the R-4 Zone.

North West Planning Advisory Committee

On July 15, 2020, the North West Planning Advisory Committee (PAC) recommended that the application be approved. Please see NWPAC report under separate cover.

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 MPS. The proposal results in a building massing, lot coverage, and height that is consistent with the existing residential homes in the surrounding neighborhood and maintains adequate separation distances from low density residential developments. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2020-2021 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 amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. North West Community Council may choose to 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 staff 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

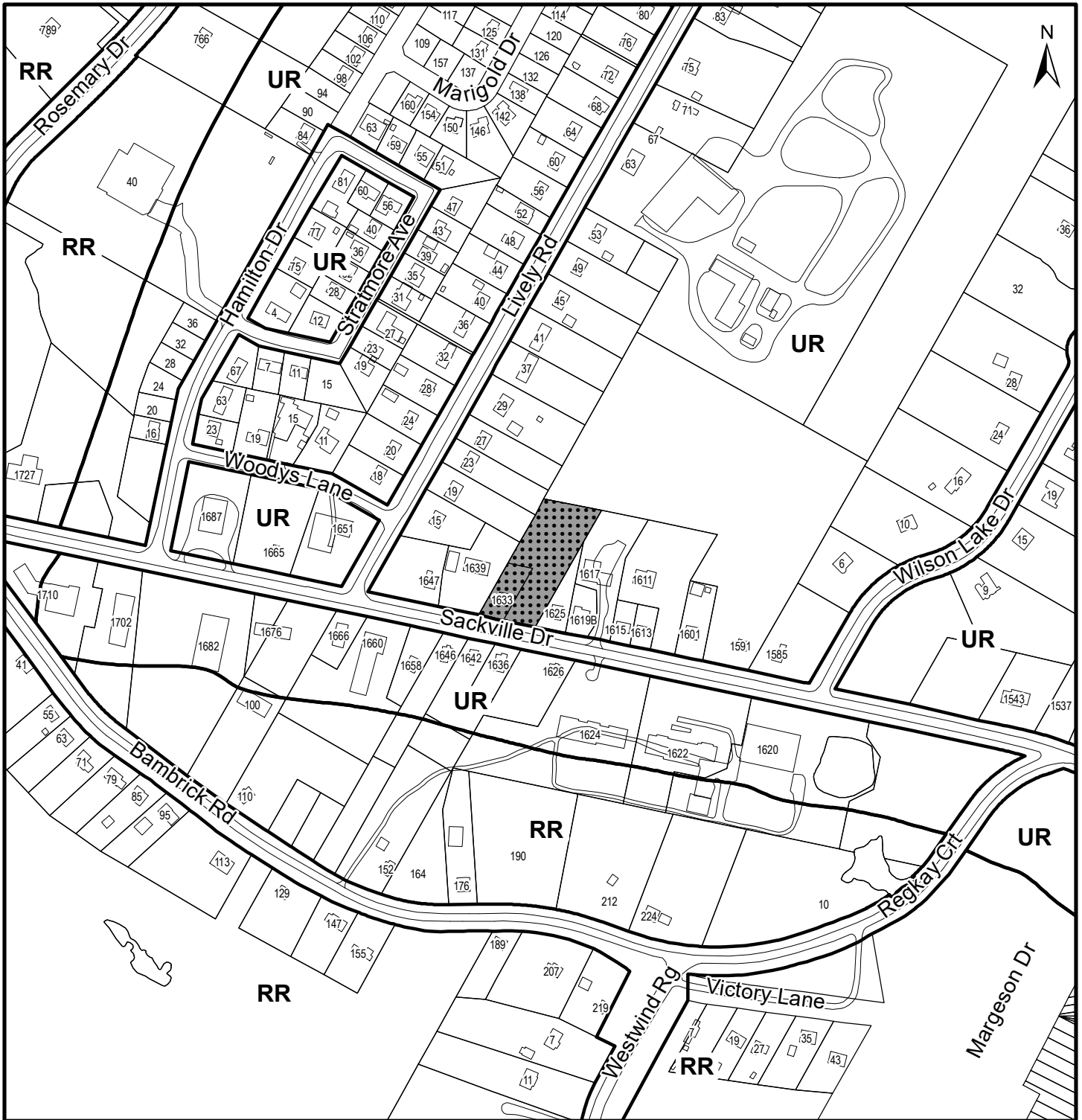
Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed LUB Amendment
Attachment B: Review of Relevant MPS Policies

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: Brittney MacLean, Planner II, Urban Enabled Applications, 902.223.6154


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



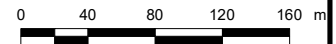
Map 1 - Generalized Future Land Use

1633 Sackville Drive, Sackville
 PIDs 41489030 and 41489048

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 Subject Property

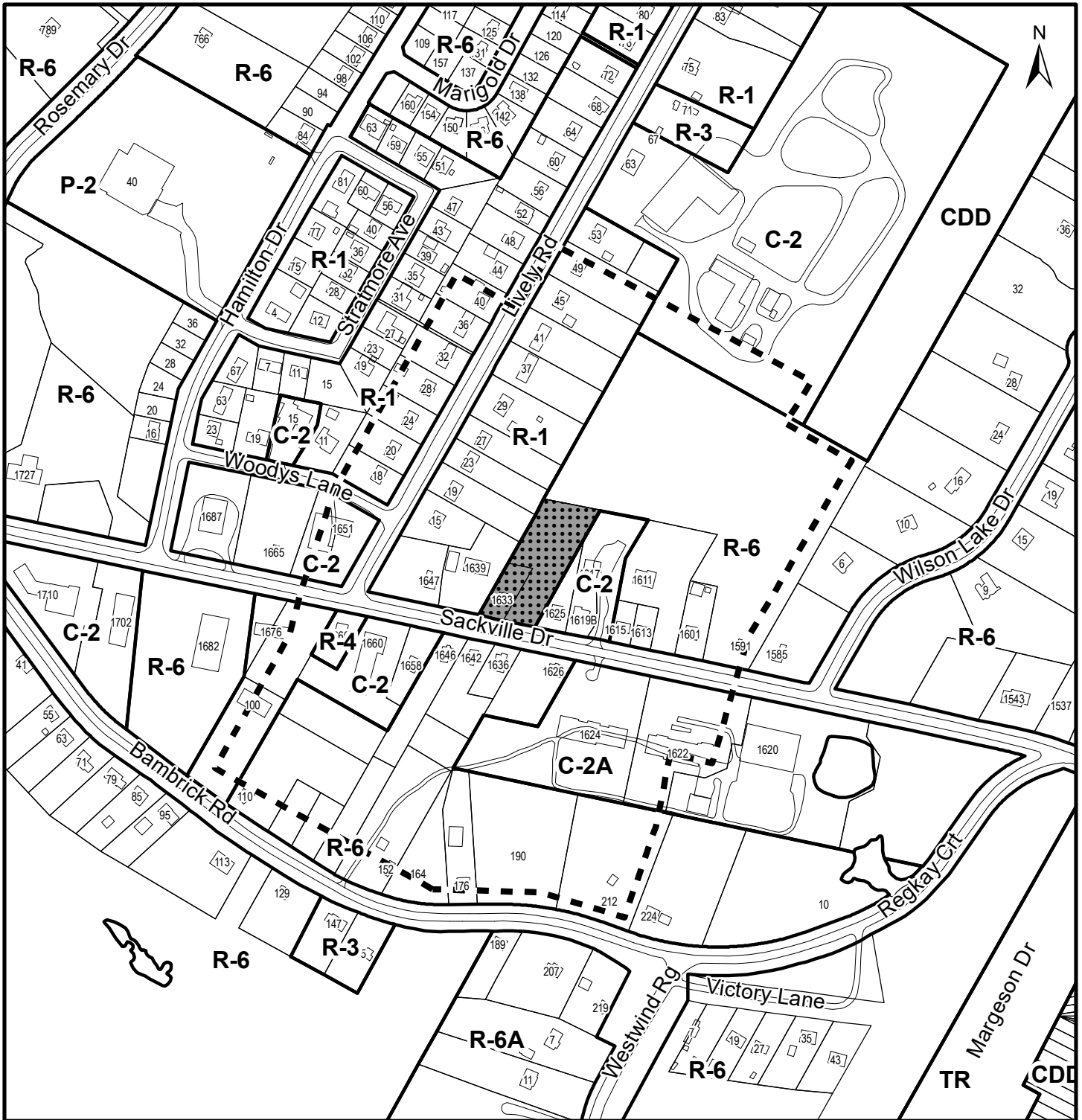
Designation
 RR Rural Residential
 UR Urban Residential



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



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

Sackville
 Plan Area



Map 2 - Zoning and Notification

1633 Sackville Drive, Sackville
 PIDs 41489030 and 41489048

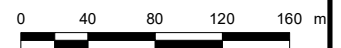
-  Subject Property
-  Area of Notification

Sackville
 Land Use By-Law Area

Zone

- C-2 Community Commercial
- C-2A Minor Commercial
- CDD Comprehensive Development District
- P-2 Community Facility
- R-1 Single Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multiple Unit Dwelling
- R-6 Rural Residential
- R-6A Rural Residential Single Unit Dwelling
- TR Transportation Reserve

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ATTACHMENT A

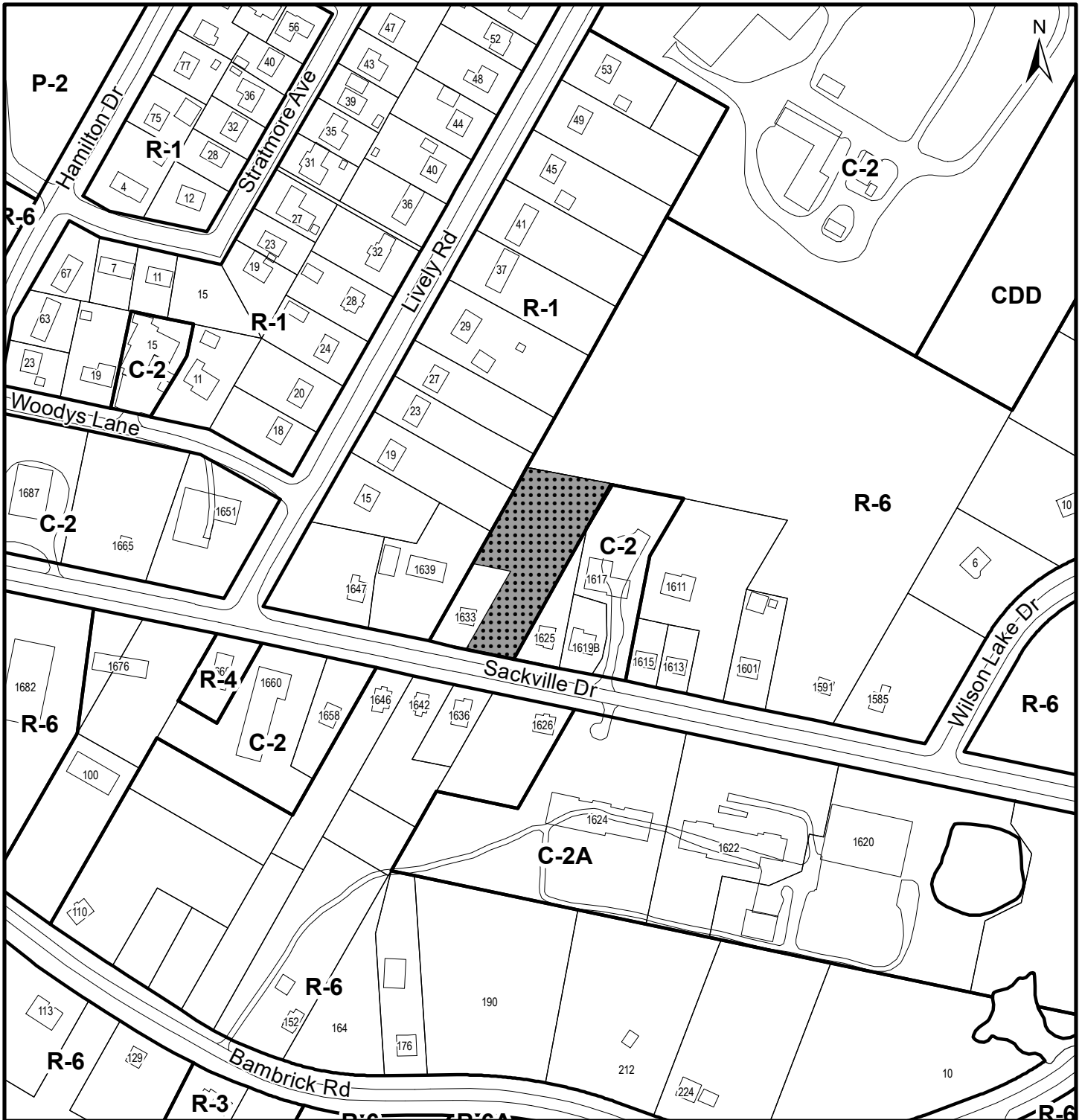
Proposed Amendment to the Land Use By-law for Sackville

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

1. Amend Schedule "A" Sackville Zoning Map, by rezoning the property identified as PID no. 41489048 on Sackville Drive, from the R-6 (Rural Residential) Zone to the R-4 (Multiple Unit Dwelling) Zone, as shown on the attached Schedule A.


I, Sherryl Murphy, 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 [DATE], 201[#].

Sherryl Murphy
Municipal Clerk



Schedule A

PID 41489048
Sackville

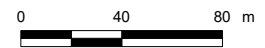
 Area proposed to be rezoned from R-6 (Rural Residential) to R-4 (Multiple Unit Dwelling)

Sackville
Land Use By-Law Area

Zone

- C-2 Community Commercial
- C-2A Minor Commercial
- CDD Comprehensive Development District
- P-2 Community Facility
- R-1 Single Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multiple Unit Dwelling
- R-6 Rural Residential
- R-6A Rural Residential Single Unit Dwelling

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

Attachment B- Policy Analysis

Sackville Municipal Planning Strategy
Section III: Urban Residential Designation

The demand for multiple unit dwellings is expected to continue in response to the diversified housing needs of the general population. In order to provide high quality multiple unit accommodation while avoiding significant impacts of existing land uses, such uses will be considered by both rezoning and development agreement. Smaller scale multiple unit developments up to six units will be considered by rezoning, while larger scale multiple unit developments over six units will be considered by development agreement. The development agreement approach will provide site-specific control intended to ensure that community concerns with such matters as appropriate density and scale of development, landscaping, site design and separation from low density residential development are adequately addressed.

Policy	Standard	Provided
UR-7	<p><i>Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a multiple unit dwelling zone which permits new multiple unit dwellings to a maximum of six units, all existing multiple unit dwellings, as well as community facility uses. Control on parking and amenity areas will be established in the zone. Council shall only consider new multiple unit dwellings be amendment to the land Sackville MPS Page 53 use by-law and with regard to the following:</i></p>	<p>The proposal is for a four (4) unit residential building.</p>
	<p><i>(a) the adequacy of separation distances from low density residential developments;</i></p>	<p>The requested R-4 zone requires a minimum front yard setback of 30 feet and minimum rear and side yard setbacks of ½ the height of the main building. Additionally, the R-4 zone requires a minimum lot area of 6,000 square feet plus an additional 1,500 square feet per dwelling unit for each unit in excess of the first three units. These requirements are in place to ensure adequate separation distances from adjacent developments.</p> <p>The multi unit building is proposed to be located a minimum of 130 feet from the</p>

		<p>abutting single family dwelling as well as from the established residential R-1 (single unit dwelling) zoned properties to the west of the site.</p> <p>It is also proposed to be a minimum of 200 feet from the established residential R-6 (rural residential) zoned properties.</p>
	<p><i>(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i></p>	<p>The requested R-4 zone permits a maximum building height of 35 feet, which is the same as the existing R-6 zone. The proposed multi-unit building is intended to be a four-unit, two-storey, townhouse style building with separate entrance/exits for each unit.</p> <p>The R-4 zone permits a lot coverage of up to 50%, which is 15% more than the existing R-6 zoning, however the proposed building depicts a lot coverage of 12.8%. The proposal would result in a bulk, lot coverage, and height consistent with the existing residential homes and surrounding buildings in the neighborhood.</p>
	<p><i>(c) that municipal central services are available and capable of supporting the development;</i></p>	<p>Municipal services are located along Sackville Drive and have been confirmed available by Halifax Water for the proposed building.</p> <p>A Concept subdivision (HRM file no.22406) was completed in December 2019 to determine as-of-right density permitted on the site. Halifax Water determined that five residential units would be permitted as-of-right based on the land area and servicing capabilities.</p> <p>The lands were recently subdivided (Final Land Subdivision File no.22979) and are presently vacant. The lot that this site was subdivided from has an existing single family home, which comprises one of total the five units requested, while the proposed four unit building on the new vacant lot would comprise the remaining four.</p>

	<p><i>(d) that the proposed development has direct access to a local street, minor collector or major collector as defined in Map 3 - Transportation;</i></p>	<p>The site fronts Sackville Drive which is classified as an arterial road per Map 3-Transportation.</p>
	<p><i>(e) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire;</i></p>	<p>The site is currently zoned R-6 which is intended for rural residential development including single family dwellings.</p> <p>The lands were recently subdivided (Final Land Subdivision File no.22979) and are presently vacant. While the lands are currently zoned for single family dwelling, there is no single or two-unit dwelling on the lands- demonstrating that this policy is met.</p>
	<p><i>(f) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site; and</i></p>	<p>As part of the Concept Subdivision (HRM file no.22406) a Traffic Impact Statement was reviewed which concluded that the development on the site, containing up to five residential units [the existing SUD and a 4 unit dwelling] with access to Sackville Drive is not expected to have significant impact on levels of performance on adjacent streets and intersections or to the regional street system. HRM Engineering has reviewed and confirmed that the TIS submitted during the Concept Subdivision is acceptable for this Planning application.</p> <p>Two existing access points exist on the subject site and conceptual site plan indicates to repurpose them for both the proposed multi-unit dwelling and the existing single family dwelling. HRM Engineering has commented that the proposed driveway access must meet the requirements for commercial type driveways as set out in Streets By-Law S300 at the permit stage.</p>
	<p><i>(g) the provisions of Policy IM-13</i></p>	<p>See below.</p>

IM-13	<p><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>See UR-7 above.</p>
	<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of sewer and water services;</i></p> <p><i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i></p> <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>(i) The Municipality will not absorb any costs relating to the development.</p> <p>(ii) A Concept subdivision (HRM file no.22406) was completed in December 2019 to determine as-of-right density permitted on the site. Halifax Water determined that five residential units would be permitted as-of-right [the existing SUD and an additional 4 units] based on the land area and servicing capabilities.</p> <p>(iii) The site is in proximity to a number of schools including Harry R. Hamilton Elementary School, Sackville Heights Junior High School, and Millwood High School. Additionally, within the general vicinity is the Springfield Lake Recreation Association, neighborhood recreation fields and parks including Laurie Lively Park, and additionally, the Sackville Sports Stadium which services the entire Sackville area.</p> <p>(iv) As part of the Concept Subdivision (HRM file no.22406) a Traffic Impact Statement was reviewed which concluded that the development on the site, containing up to five residential units with access to Sackville Drive is not expected to have significant impact on levels of performance on adjacent streets and intersections or to the regional street system. HRM Engineering has reviewed and confirmed that the TIS submitted during the Concept Subdivision is acceptable for this Planning application.</p>

		(v) N/A
	<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 R-4 Zone restricts uses to new multiple unit dwellings containing no more than 6 units.</p> <p>(ii) The R-4 Zone has controls for a maximum building height of 35 feet, 50% lot coverage, minimum front yard setbacks of 30 feet, minimum rear and side yard setbacks of ½ the height of the main building, as well as minimum lot area of 6,000 square feet plus an additional 1,500 square feet per dwelling unit for each unit in excess of the first three units. These controls are in place to reduce any potential conflict with nearby land uses.</p> <p>(iii) The LUB has controls on parking limiting the number of parking spaces to 1.5 spaces per dwelling unit. There are standards for mobility parking, as well as for parking lot surfacing, illumination, and access and egress. Additionally, the LUB has controls on bicycle parking numbers (min 2.5 spaces per dwelling unit), location, and infrastructure.</p> <p>(iv) N/A (v) N/A (vi) N/A</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>There have not been any watercourses, geological conditions, or steepness of grades identified on the site.</p>
	<p><i>(e) any other relevant matter of planning concern; and</i></p>	<p>N/A</p>

	<p><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></p>	<p>N/A</p>
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