

June 6, 2023

**Application for substantial amendments to the Development Agreement on property PID#00362442 in Lower Sackville for the purpose of residential development.**

MAGGIE HOLM  
Urban Planning Applications  
Principal Planner  
Halifax Regional Municipality  
Halifax, NS B3J 3A5

Dear Ms. Holm,

On behalf of our client First Mutual Properties Limited, I am applying to the Halifax Regional Municipality for substantial amendments to the Development Agreement registered against the above identified property located at 70-80 First Lake Drive in Lower Sackville, NS. The main purpose of this planning application is to develop two residential multi-unit buildings on the property, containing a total of 154 housing units. Development Agreements for multiple unit dwellings are enabled by Policy CC-6 of the Municipal Planning Strategy for Sackville, which provides guidance for the evaluation of this development proposal.

The following documents in support of this application are attached to this letter:

- + Basic facts about the property and its context
- + Detailed information about the proposed development
- + Analysis of the proposal's alignment with municipal planning policy
- + An attachment including:
  - Annex A: Site Plan
  - Annex B1: Pedestrian and Vehicular Circulation
  - Annex B2: Setbacks and Amenity Spaces
  - Annex B3: Proposed Plan of Subdivision
  - Annex C: Site Renderings and Floor Plans
  - Annex D: Traffic Impact Study
  - Annex E: Servicing Concept
  - Annex F: Servicing Study
  - Annex G: Sanitary Flow Confirmations

We are excited to work with staff, Council and the community on this proposal.

Please do not hesitate to contact me if you require further information.

Sincerely,

**Original Signed**

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Paul Dec, MCIP, LPP

**1 BACKGROUND**

**1.1 LOCATION AND SITE CHARACTERISTICS**

The subject of this planning application is property PID#00362442 registered to First Mutual Properties Limited. The 5.36<sup>1</sup> hectare property is situated on First Lake Drive in Lower Sackville and spans the civic numbers 70-80 on that street.

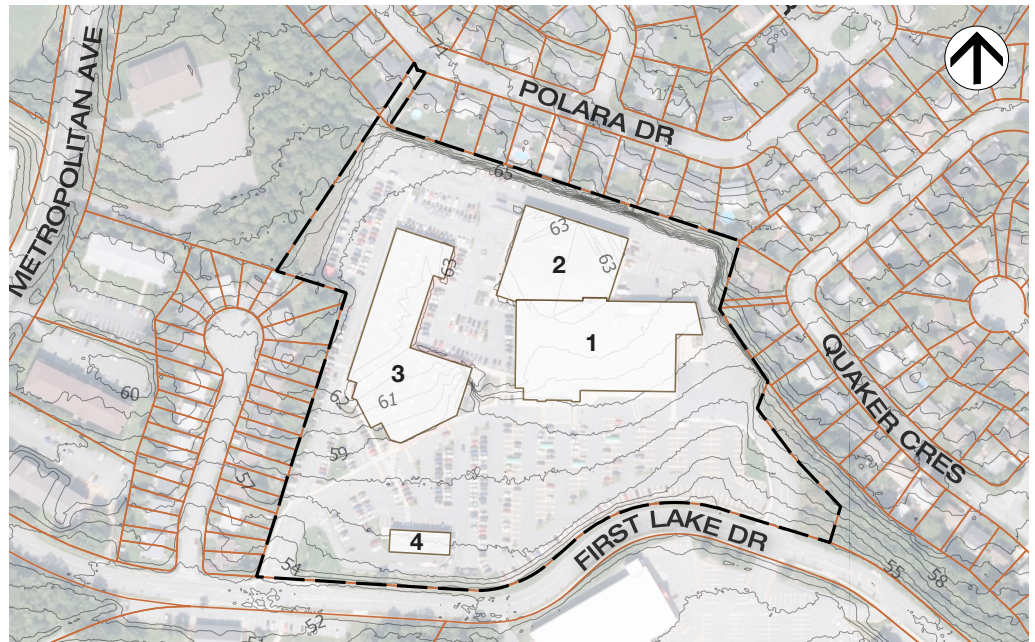


Figure 1: Site map

The property currently contains the following buildings:

#		Commercial Floor Area (m <sup>2</sup> )
1	'Sobeys' Grocery Store	4,929
2	Multi-business commercial building	2,753
3	'Staples' call centre and office space	7,246
4	'Tim Hortons' / 'Needs'	409
<b>TOTAL</b>		<b>15,337</b>

According to LiDAR data, the entire site is situated at elevations between 54 and 69 metres above sea level. The property line abutting First Lake Drive is the lowest part of the lands. Largely separated by a retaining wall from the street level, the main parking lot in front of Sobeys gently slopes uphill with elevations between 56 to 59 metres. The upper level parking lot can be reached through two driveways running along the perimeter of the property and is relatively level at an elevation of about 62 metres.

<sup>1</sup> Based on property records from the Land Registration Office

**1.2 CONTEXT AND SURROUNDINGS**

The site is situated between First Lake and Second Lake in Lower Sackville, on a rolling hill which separates these two bodies of water. More specifically, the property is located on the south-facing slope of that hill, overlooking First Lake. The reservoir is the main geographic feature of the site's immediate surroundings and accommodates several important community facilities such as the Sackville Arena, the Kinsmen Community Centre and the Kinsmen Park including a playground, a splash pad and a sandy beach.

The namesake collector road 'First Lake Drive' is the main piece of road infrastructure in the area. The road follows the north shore of First Lake, running from Cobequid Road in the east to Metropolitan Avenue in the west. All other parts of Lower Sackville can be accessed through the road networks continuing from either end of this street.

First Lake Drive also connects to a low-density residential subdivision on the hill crest between First Lake and Second Lake. It can be accessed through Cavalier Drive and Quaker Crescent. Further destinations along First Lake Drive include the Eddie LeBlanc Memorial ball field and the Sackville Lakes Provincial Park, which contains a trail system.

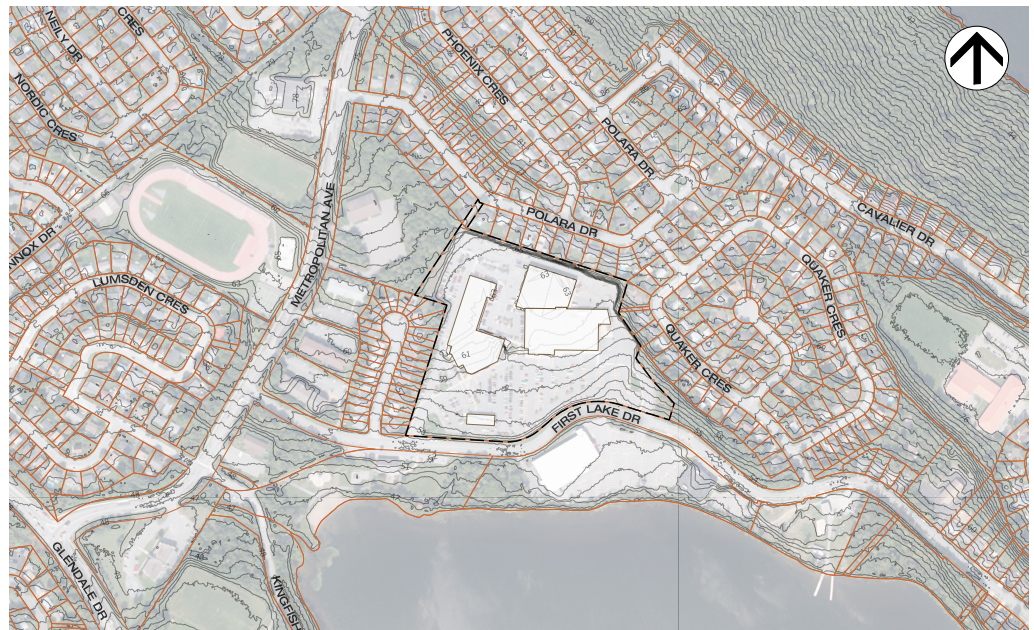


Figure 2: Context map

More than half of the property's perimeter is therefore defined by recreational and institutional land uses along the lake shore and the St. Elizabeth Seton Church to the north west of the site. The remainder of the site's perimeter is defined by neighbouring, low-density residential development. Lakehead Court to the west is a small cul-de-sac with single family dwellings. Polara Drive and Quaker Crescent to the north and northeast feature similar types of development. However, these two streets are separated from the development proposal site by a significant rise in elevation, and retaining walls form a hard edge between the lower-lying development site and the residential area situated uphill.

**2 DEVELOPMENT PROPOSAL**

**2.1 DEVELOPMENT SUMMARY**

First Mutual Properties Limited intends to re-develop the property through the removal of one building and the addition of three buildings to the site. The earlier mentioned multi-business commercial 'Building 2' in the rear of 'Sobeys' is proposed to be demolished. Two multi-unit dwellings of 77 residential units each are planned to be developed along the northern boundary line of the property. In addition to this, the development proposal foresees the creation of a new drive-through restaurant building within the 'Sobeys' parking lot.

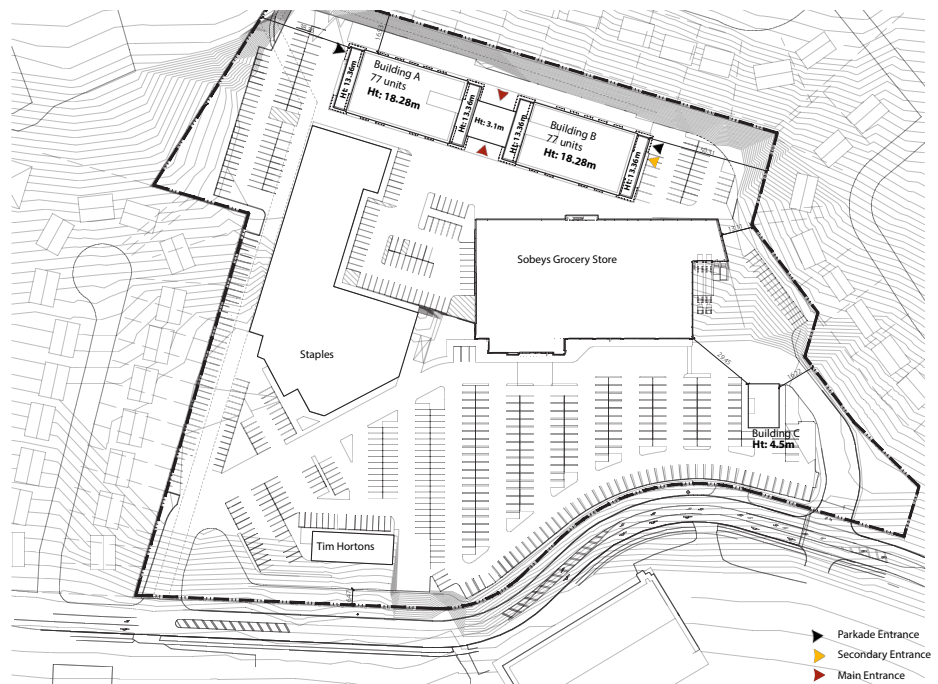


Figure 3: Site Plan (see Appendix A for large drawing)

The proposed Buildings A and B would frame the northern edge of the site, taking up some of the space currently occupied by the multi-business structure north of the grocery store, accommodating several businesses including a sports warehouse. The redevelopment plan also involves adding a new drive-through restaurant to the eastern end of the site (Building C). The Sobeys grocery store and Staples office building would remain on-site unchanged. This results in the following overall building composition:

Building #	Land Use	Commercial (m <sup>2</sup> )	Housing Units
1 (existing)	'Sobeys' Grocery Store	4,929	-
3 (existing)	'Staples' call centre and office space	7,246	-
4 (existing)	'Tim Hortons' / 'Needs'	409	-
A (new)	Residential multi-unit	-	77
B (new)	Residential multi-unit	-	77
C (new)	Drive-through restaurant	230	-
<b>TOTAL SITE CONFIGURATION</b>		<b>12,814</b>	<b>154</b>

The commercial floor area is therefore proposed to be reduced from 15,337 m<sup>2</sup> by 2,523 m<sup>2</sup> to 12,814 m<sup>2</sup>. The 154 housing units proposed to be added to the site would add another 15,824 m<sup>2</sup> of gross floor area to the site, considering all stories above grade.

The property currently holds 720 parking spaces for commercial uses. Following the redevelopment, parking spaces dedicated to commercial uses would be reduced by 198 spaces to a new total of 522. The volume of parking spaces would therefore be reduced by 27.5%, compared to commercial floor area reduction of 16.5%.

The residential development proposal entails 158 new parking spaces, with 69 thereof being located within the buildings' footprint underground.

Between the residential buildings A and B, the proposal envisions a total of 1,375 m<sup>2</sup> of amenity space, which will tie into the walking path leading to Polara Drive.

## 2.2 SUBDIVISION PROPOSAL

The current Development Agreement foresees the property to be legally maintained as a single lot with including all buildings on site. This planning application includes a proposal to parcel the property into three separate lots, as shown on the drawing of 'Annex B3'.

## 2.3 BACKGROUND ON THE DEVELOPER

The following is the company profile of First Mutual Properties Limited:

*First Mutual Properties is a private real estate investment group based out of Dartmouth, Nova Scotia. Established in 1995, they have become one of Eastern Canada's leading developers with an extensive portfolio of commercial / retail, office, and industrial spaces. First Mutual Properties has developed a specialization in custom-built leasing facilities, re-development opportunities, and master communities. They understand that a relationship with the community is essential to execute real estate investment projects correctly, and that successful development comes from genuine community involvement. First Mutual Properties uses the latest in technology, including aerial drone footage as well as financial software for the most accurate financial real estate modelling.*

*First Mutual Properties currently owns and manages an extensive commercial real estate portfolio and as a full-service development company, First Mutual Properties is committed to providing property management services that exceed industry standards. They pride themselves on providing expertise that is customized to the needs of the individual clients they serve.*

*First Mutual Properties has completed custom-built leased facilities for Parks Canada, Lawtons, McKesson Canada and other national and regional companies. Other notable upcoming projects by First Mutual Properties include:*

- + Blue Heron Estates: A rural densification development consisting of a Power Centre & residential development located on Exit 20 in Porters Lake / West Chezzetcook. This project spans 133 acres with direct access to HWY 107.
- + 130 Mann Street, Bedford, NS: 16.93 Acre heavy industrial zoned development site for a custom-built facility with 2 rail sidings for loading and distribution.

### 3 PLANNING APPLICATION

#### 3.1 FRAMEWORK

The Municipal Planning Strategy (MPS) and Land Use By-law for Sackville (LUB) subject the property to the policies and regulations of the following designations and zones:

Document	Designation / Zone
Municipal Planning Strategy	Community Commercial, Urban Residential
Land Use By-law	C-2 , R-1

The 5.36 hectare property is split-zoned. The majority of the property (approximately 99.5%) is zoned commercial, while the remaining 0.5% is zoned residential. The residential portion of the property measures approximately 36.1 by 7.8 metres, fronts onto Polara Drive, and provides a walking path between Polara Drive and the parking area at the north end of the site.

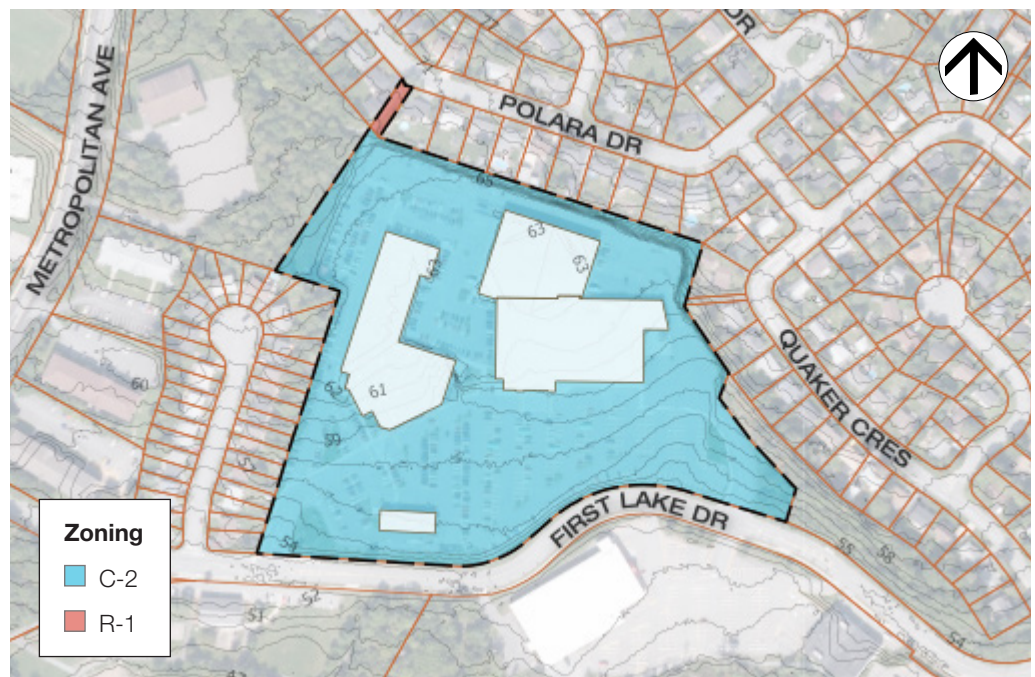


Figure 4: Zoning map

Further to the general requirements of the Land Use By-law, the site is also regulated by a Development Agreement registered against the property. The Development Agreement between the Halifax Regional Municipality and First Mutual Properties was registered against the property on August 08, 2011, with a subsequent amendment registered on August 15, 2016.

The agreement limits various aspects of land use on the property, including site planning, building placements, architectural elevations and minimum parking requirements. With regard to land use categories, the agreements largely defers to the general rules of the Land Use By-law.

The development of new multi-unit dwellings is not included in the 'permitted use' categories of the C-2 zone. However, Policy CC-6 of the Municipal Planning Strategy allows the consideration of such development by Development Agreement, thus enabling this planning application.

### 3.2 REQUEST

This application is submitted to apply for an amendment to the existing Development Agreement on property PID#00362442, in order to allow for a reconfiguration of the site and for the development of two multi-unit dwellings and a new commercial building. The request includes amendments to the Development Agreement to subdivide the site into three parcels of land.

### 3.3 POLICY ANALYSIS

This application for Development Agreement is based on Policy CC-6 of the Municipal Planning Strategy (MPS) for the Sackville Plan Area. The latter Policy also references the generic Policy IM-13 from the Implementation section of the MPS. The following analysis will demonstrate how the Development Proposal (further referred to as 'the Proposal') complies with the applicable Policies of the MPS.

#### Policy CC-6 - Sackville Municipal Planning Strategy

*Notwithstanding Policy CC-2, within the Community Commercial Designation, Council may consider the expansion of existing multiple unit dwellings and the development of new multiple unit dwellings according to the development agreement provisions of the Planning Act. In considering any such development agreement, Council shall have regard to the following:*

- a) *that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;*

**Compliance:** The largest interface between the proposed development and neighbouring low-density residential dwellings exists along the northern edge of the property. In this location, the design takes advantage of the a significant elevation change exists between the subject site and Polara Drive. Since the elevation of Polara Drive lies about 7 metres above the floor elevation of Buildings A and B, the six-storey design chosen for this building should appear as less than four stories from the dwelling of the abutting low-density neighbourhood. This perceived building height is comparable to the 3-storey apartment buildings on Metropolitan Avenue, which have set a precedent for the area being located immediately adjacent to the Lakehead Court subdivision.

- b) *that site design features, including landscaping, amenity areas, parking areas and driveways, are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residents of the development;*

**Compliance:** The proposal envisions a recreational amenity space between the two multi-unit dwellings and the properties on Polara Drive This amenity area will stretch to the walking path leading to Polara Drive, thus improving the walking experience in this corner of the property. Pedestrians en route from Polara Drive to First Lake Drive would have one parking area less to navigate.

The proposed development would entail 158 parking spaces specifically dedicated to the new development. This equates to more than one parking space per dwelling unit. While this equates to a lower parking to unit ratio than in the Land Use By-law, there are reasons why such an approach may be warranted in this case:

- + The development site is serviced by Halifax Transit Routes No. 82 and 182, with bus stops at the front property line. The recent Rapid Transit Strategy of HRM identifies First Lake Drive as an 'Express' Route, and suggests further investment into transit as well as consistent quick connections to other parts of Lower Sackville and beyond.
- + The location of the development and its mixed-use concept create a uniquely supportive environment for car-free living in a suburban environment. A large grocery store, recreational and institutional amenities are in the immediate vicinity of the development proposal, thus offering a complete community which can service many daily needs of residents.
- + In the context of an aging population—which Nova Scotia is experiencing—this type of new multi-unit development will naturally attract many seniors which are looking to downsize from single family dwellings. With a large share of seniors to be expected to occupy residential units, the parking to unit ratio may reasonably be assumed to be lower than in multi-unit dwelling developments of previous decades.

The 522 parking spaces to remain on site for the remainder of 12,814 m<sup>2</sup> of commercial floor area equal to a parking per floor area ratio of 1 parking stall per 24.5m<sup>2</sup>. This is in line with modern Land Use By-law requirements. For comparison, the 'High-Density Residential' Zones of the Regional Centre Land Use By-law require 1 parking stall for every 35m<sup>2</sup> of a restaurant. Offices need one stall for every 75m<sup>2</sup>.

c) *that municipal central services are available and capable of supporting the development;*

**Compliance:** A servicing study commissioned by the developer revealed that the local wastewater collection system could handle 832 dwelling units in this location before 80% of the local sewer main capacity would be used up (see Annex F). The development concept underwent changes since the original servicing study was prepared in November of 2021, and the current proposal only puts forward a total of 154 dwelling units. Conversations with the municipality have indicated that water supply capacity is unproblematic in this part of Lower Sackville.

d) *that appropriate controls are established to address environmental concerns, including stormwater controls;*

**Compliance:** Stormwater management does already exist on this site, and will be further adapted towards the needs of the redevelopment. See Annex E for the schematic drawing of proposed stormwater management installations.

e) *the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;*

**Compliance:** The Proposal utilizes two existing driveways leading to First Lake Drive. The Traffic Impact Study in Annex D further analyzes the site with regard to traffic generation issues. The study was originally prepared for an earlier concept of this development containing 830 proposed



dwelling units, as opposed to the 154 units from the current proposal. The Traffic Impact Study concluded that:

*“Trips generated by 70 First Lake Drive Development are expected to have a minimal or negligible impact on the operational performance of the Study Intersections and the adjacent street network.”*

It should be acknowledged that the original proposal included the removal of the ‘Staples’ administrative building and call centre of 7,246 m<sup>2</sup>, replacing it by 929 m<sup>2</sup> of added commercial space in the new development. In the Sackville LUB, the added residential units would have creating a parking requirement of 1,001 parking spaces. The difference of 6,317 m<sup>2</sup> of office space only equals to a parking requirement of 224 parking stalls. If these parking requirements are somewhat correlated to a realistic traffic generation, the recommendation from the original Traffic Impact Study should also hold true for the current version of the development proposal.

- f) *general maintenance of the development; and*
- g) *the provisions of Policy IM-13.*

The last item g) of Policy CC-6 refers to Policy IM-13 and therefore activates the following requirements:

*In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:*

- a) *that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;*

**Compliance:** The Municipal Planning Strategy contains a policy allowing residential multi-unit developments in the ‘Community Commercial’ designation. The Proposal does not appear to contradict any other policies of the Municipal Planning Strategy, either. It can be therefore assumed that the proposal is generally supported by the strategy and in line with the intent of the plan.

- b) *that the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;*
  - (ii) the adequacy of sewer and water services;*
  - (iii) the adequacy or proximity of school, recreation and other community facilities;*
  - (iv) the adequacy of road networks leading or adjacent to, or within the development; and*
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.*

**Compliance:** The Proposal is situated in a highly developed part of Lower Sackville, surrounded by long-standing subdivisions and recreational amenities. Locating residential density in such a location should not place any additional burdens on the Halifax Regional Municipality, but in tendency improve the utilization of assets through conversion of surface parking lots into a highly efficient part of the urban fabric.

- c) *that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:*
- (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) traffic generation, access to and egress from the site, and parking;*
  - (iv) open storage;*
  - (v) signs; and*
  - (vi) any other relevant matter of planning concern.*

**Compliance:** Alignment relating to type of use, height and bulk has already been analyzed in the context of Policy CC-6. With regard to traffic flow through the site, Annex B depicts the detailed approach to pedestrian and vehicular circulation on the property.

- d) *that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;*
- e) *any other relevant matter of planning concern; and*
- f) *Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.*

**Compliance:** Items d) and f) seem to relate to new greenfield developments and are not applicable to the redevelopment of the Proposal site.