



**BACKGROUND**

Upland Urban Planning and Desing Inc. is requesting to construct a new 6-storey multiple unit dwelling and a new commercial building at 70-80 First Lake Drive in Lower Sackville.

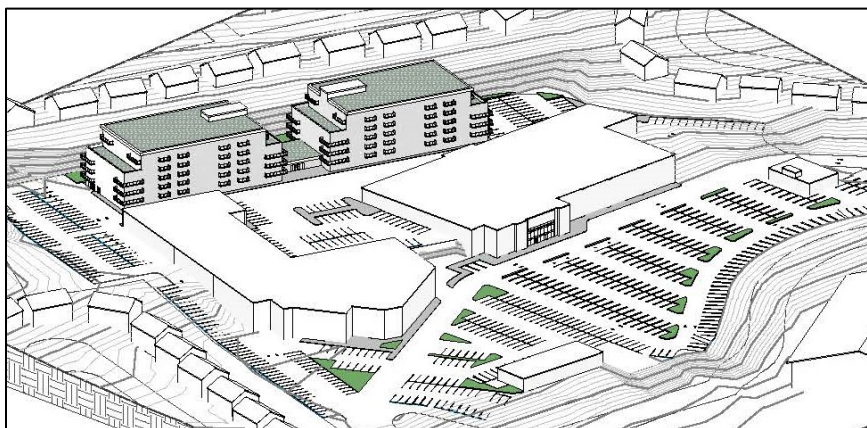
<b>Subject Site</b>	70, 72, 78, and 80 First Lake Drive, Lower Sackville (PID 00362442)
<b>Location</b>	Across from Kinsman Park, near the corner of First Lake Drive and Metropolitan Avenue
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Community Commercial (CC) and Urban Residential (UR)
<b>Zoning (Map 2)</b>	C-2 (Community Commercial) and R-1 (Single Unit Dwelling)
<b>Size of Site</b>	~5.3 Ha (13.25 acres)
<b>Street Frontage</b>	~340 metres (1,116 ft.)
<b>Current Land Use(s)</b>	Commercial
<b>Surrounding Use(s)</b>	Residential, Institutional, Recreation

**Proposal Details**

The subject site is the Sackville Town Centre shopping mall which was developed in the 1970's. The site currently contains three buildings: a commercial building near First Lake Drive which houses a Tim Hortons restaurant; a building that previously housed a Staples call center; and a third building with a Sobeys grocery store and Nova Scotia Liquor Commission outlet in the front, while the rear is occupied by several commercial businesses.

The applicant is considering various redevelopment options for the site, with the proposal subject of this report being the first phase. This proposal includes construction of a 6-storey multiple unit building and a new commercial building on the property. While the three existing buildings on the property will remain, the current structure attached to the rear of the Sobeys building will be demolished. The major aspects of the proposal are as follows:

- Maintaining the current permitted uses, which are those listed within the existing C-2 (Community Commercial) Zone of the Sackville Land Use By-law, except for entertainment uses;
- Three buildings to remain as they are: the Sobeys building, the former Staples building, and the Tim Hortons building;
- The demolition of the commercial space at the rear of the Sobeys building;
- A new multiple unit building that consists of two 6-storey towers on a shared podium, containing 154 units; and
- A new commercial building located in front of the Sobeys building.



### **History and Existing Development Agreement**

The Sackville Town Centre shopping mall was developed in the 1970's under the planning regulations of that time. In the early 1990's, the Sackville Municipal Planning Strategy was adopted, replacing the site's previous commercial zoning with the current C-2 (Community Commercial) zoning. Under the C-2 zoning commercial uses are limited to a total gross floor area (GFA) of 929 square metres (10,000 square feet) per lot. Commercial uses exceeding the permitted GFA, can be considered through the development agreement process.

On May 26, 2011, North West Community Council approved a development agreement to allow for commercial expansion at the Sackville Town Centre property (70 First Lake Drive). As a result, the Sobeys food store and Tim Hortons buildings were constructed. On June 13, 2016, North West Community Council approved an amendment to the development agreement to permit liquor sales within the Sobeys food store.

### **Discharge Existing Development Agreement**

Due to the significant changes proposed for the site, and the corresponding need for substantive amendments to the existing development agreement, the current development agreement is proposed to be discharged and replaced with the proposed development agreement. A separate request to discharge the existing development agreement has been submitted to the Chief Administrative Officer, pending the decision of the Community Council on this new development agreement.

### **Enabling Policy and LUB Context**

The subject property is predominantly designated Community Commercial (CC) under the Sackville Municipal Planning Strategy (MPS) and is zoned C-2 (Community Commercial) under the Sackville Land Use By-law (LUB). There is a small portion of the site that contains a footpath from Polara Drive that is designated Urban Residential (UR) and R-1 (Single Unit Dwelling). The C-2 zone permits a wide range of commercial uses (up to a total gross floor area of 929 square metres or 10,000 square feet on a lot), open space uses, institutional uses, shared housing use, and existing residential uses.

This proposal is being considered under policies CC-3 and CC-6 of the Sackville MPS. Policies CC-3 and CC-6 enable Council to consider, through the development agreement process, multiple unit dwellings and the expansion of existing uses and the establishment of new commercial uses in excess of 929 square metres, respectively. Both policies CC-3 and CC-6 require the provisions of Policy IM-13 be considered regarding the general appropriateness of the proposal.

## **DISCUSSION**

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

### **Proposed Development Agreement**

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Maintains the current permitted uses, which are those permitted within the C-2 (Community Commercial) Zone of the Sackville Land Use By-law, except for entertainment uses;
- Allows for the continuation of 7,264 square metres of office space;
- Allows for three existing buildings to remain as they are;
- Allows for a new commercial building to be located near the existing Sobeys building;
- Allows for the construction of a 6-storey, 154 unit, multiple unit residential building;
- Height, siting, massing, and exterior design controls of proposed and existing buildings;
- Controls the subdivision of the lands;
- Requires indoor and outdoor amenity space and its location;

- Controls the site access location and requirements for vehicular parking;
- Landscaping, pedestrian circulation, and lighting controls;
- Requirements for a Stormwater Management Plan, an Erosion and Sediment Control Plan, and a Site Disturbance Plan that meet municipal and provincial standards and directly address the sensitivity of First Lake; and
- Non-substantive amendments permitted within the agreement including:
  - Changes to allow minor changes in layout and footprints of the buildings which do not result in additional floor area or units;
  - Changes to allow increased landscaping requirements;
  - Changes to allow a reduction in parking;
  - Changes to the signage requirements; and
  - Changes to text of the agreement to enable the subdivision of the lands as shown on Schedule B; and
  - Extension to the dates of commencement and completion of development.

The attached development agreement allows for the continuation of the existing buildings and permitted uses, as well as the addition of the 6-storey residential building and a new commercial building on the site, subject to the controls outlined above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

#### Compatibility

Policies CC-3(e) and CC-6(a) of the MPS require proposed buildings to be compatible with surrounding uses in aspects such as height and bulk. The design of the multiple unit residential building takes advantage of the site topography to distribute massing in a way that minimizes its impact on nearby land uses. The grade difference between Polara Drive and the property helps achieve this compatibility, as the upper floors of the multiple unit building will align roughly with the ground floor elevation of the single unit dwellings on Polara Drive, reducing the perceived height. With an 8-meter elevation difference between the properties and about 32 meters separating the building from the single-family homes on Polara Drive, the building will appear from the backyards of these homes as a three-storey structure. In terms of bulk, the building's massing is reduced by splitting it into two "towers" connected by a shared podium, which lessens the perceived scale when viewed from the surrounding single family homes. Additionally, the top two storeys have smaller floor plates, further decreasing the visible bulk.

For the commercial buildings, the design is similar to structures to the south, like the Sackville Arena and the Sackville Leisure Centre. To ensure compatibility with the nearby low density residential areas, the agreement limits the height of commercial buildings to 10.7 metres, keeping them consistent with neighboring structures. The proposed lot coverage, along with natural screening provided by the topography and vegetation, helps reduce the visual bulk of the buildings relative to the surrounding homes.

#### Stormwater

Policies CC-3(f) and CC-6(d) of the MPS require that appropriate measures be implemented to address environmental concerns, including stormwater management. Notably, there are environmental concerns surrounding First Lake. Due to consistently high levels of fecal bacteria, which resulted in the closure of Kinsmen Beach at First Lake, a microbial source-tracking study was conducted in 2022. The study revealed that the primary source of E. coli in the lake was human, likely stemming from damaged or improperly connected sanitary sewer pipes leaking into the stormwater system. Additionally, E. coli from birds and dogs was also detected in the lake.

Currently, stormwater flow from the site through affected downstream pipes could potentially mobilize stagnant, pathogen-laden water or influence contaminant transport. To reduce this risk and to protect the water quality of First Lake, the development agreement mandates the submission of a stormwater management plan, an erosion and sediment control plan, and a site disturbance plan before any site work begins. The proposed development is not anticipated to directly contribute to human fecal contamination,

as all new sanitary pipes will be correctly connected to the sanitary sewer system on First Lake Drive. These plans will ensure compliance with municipal and provincial standards at the permitting stage. The agreement also requires the applicant to consider First Lake's sensitivity in the stormwater management design to minimize further negative impacts on water quality. This includes reducing stormwater discharge through outfalls into the lake and incorporating enhanced vegetated swales to capture, manage, and infiltrate stormwater, preventing contaminants from reaching the lake. These measures will help bring the property up to current standards, including reducing stormwater flow through outfalls that discharge into the lake, thus minimizing the potential for contaminant transport into the water.

#### Sanitary Services

Policies CC-3(c), CC-6(c), and IM-13(b) require that municipal central services be investigated to ensure they are capable of supporting the development. The applicant has completed studies confirming that there is sufficient capacity to accommodate the development, including an assessment of the First Lake Drive Pump Station. It was determined that further analysis beyond the pump station, extending to Mill Cove Wastewater Treatment Facility, was unnecessary. This is because the flow downstream of the station discharges into a trunk sewer running through Sackville River Linear Park, which is part of the regional infrastructure. In 2018, the pipe downstream of Rankin Drive was upgraded to 750mm, connecting to the trunk sewer and ensuring adequate capacity downstream of the pump station. Halifax Water has reviewed and accepted the report, confirming that there is sufficient capacity to support the development at this time.

#### Traffic

Policies CC-3(g), CC-6(e), and IM-17(b) of the MPS require the impact on traffic circulation from the proposed development be considered. The applicant submitted a traffic impact analysis that evaluated the current transportation conditions, anticipated changes, potential impacts, and if improvements to the network would be necessary. The analysis concluded that the traffic volumes generated by the development fall within acceptable limits for the local road network, with site-generated trips expected to have only a minimal impact during peak travel periods. All study intersections are projected to operate within HRM's acceptable limits during both morning and afternoon peak hours. HRM Traffic Management and HRM Engineering have reviewed and accepted the findings of the analysis.

#### School Capacity

The site falls within the Sackville High Family of Schools catchment area. According to the Halifax Regional Centre for Education (HRCE), all schools within this catchment are expected to remain under capacity for the next 10 years. HRCE has also indicated that the child yield per apartment unit in HRM is 0.16, a low ratio suggesting minimal impact on enrollment. Additionally, the Education Act mandates that every person over the age of five and under 21 has the right to attend a public school in their region of residence. While there may be some operational challenges, HRCE has advised they will work to ensure that all students have access.

#### **Priorities Plans**

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, the following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- 1) Integrating climate change implications into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT); and
- 2) Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027).

## **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 site and building design results in a development that can be considered compatible with the surrounding uses in the area while also adding infill residential density in an area where the Regional Plan calls for increasing density. The agreement establishes controls to address environmental concerns by upgrading the property to meet current standards and reducing stormwater flow through outfalls discharging into the lake. The proposed development is located on the perimeter of a low-density residential area and within a small mixed-use zone along a transit route, with convenient access to both commercial and recreational amenities. Therefore, staff recommend that the North West Community Council approve the proposed development agreement.

## **FINANCIAL IMPLICATIONS**

The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2024-2025 operating budget for Planning and Development.

## **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 development agreement are contained within the Discussion section of this report.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, an online survey, online information video, and two public information meetings held on November 1 and 2, 2023. Attachment C contains a summary of the community engagement, inclusive of the survey responses and minutes from the public information meetings.

A total of 1,329 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 7,681 unique pageviews from March 2023 until September 2024. In addition, staff received 426 survey responses, approximately 12 email and phone responses from the public, and approximately 70 people attended the public information meetings. The public comments received include the following themes:

- Health of First Lake;
- Traffic safety;
- Flooding;
- Privacy concerns;
- Affordable housing; and
- Impact on Community Services.

A public hearing must be held by North West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

## **ENVIRONMENTAL IMPLICATIONS**

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

## **LEGISLATIVE AUTHORITY**

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

## **ALTERNATIVES**

1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement 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 Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Community Engagement Summary Report

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