

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

#### Item No. 14.1.6 Halifax Regional Council February 23, 2016

TO:	Mayor Savage and Members of Halifax Regional Council
	Original Signed by
SUBMITTED BY:	U''
	John Traves, Q.C. Acting Chief Administrative Officer
	Original Signed by
	Mike Labrecque, Deputy Chief Administrative Officer
DATE:	February 1, 2016
SUBJECT:	Case 20224: Amendments to the Sackville MPS and Sackville Drive SPS, 900 & 902 Sackville Drive, Sackville

#### ORIGIN

Request from WSP.

#### **LEGISLATIVE AUTHORITY**

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

#### RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to:

- 1. Initiate the process to consider amending the Sackville Municipal Planning Strategy (MPS) and Sackville Drive Secondary Planning Strategy to enable Kent Building Supplies to expand onto land located at 900/ 902 Sackville Drive; and
- 2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

#### BACKGROUND

WSP on behalf of Kent Building Supplies Ltd. is applying to amend the Sackville Municipal Planning Strategy (MPS), Sackville Drive Secondary Planning Strategy (SPS) and associated Land Use By-laws in order to allow the expansion of the Kent Building Supplies store located at the intersection of Sackville Drive and Beaver Bank Road in Sackville. An MPS amendment is needed because the applicant wishes to expand the parking area and reconfigure the driveway access onto an adjacent lot that is located outside of the Sackville Drive SPS plan area.

Subject Property	900 & 902 Sackville Drive, Sackville
Location	Southwest corner of Sackville Drive and Beaver Bank Road, Sackville
<b>Regional Plan Designation</b>	Urban Settlement
Community Plan Designation (Map 1)	UR (Urban Residential) under the Sackville Municipal Planning Strategy (MPS)
Zoning (Map 2)	R-2 (Two Unit Dwelling) Zone under the Sackville Land Use By- law (LUB)
Size of Site	1.25 hectares (3.1 acres)
Street Frontage	Approximately 50 metres (164 feet)
Site Conditions	Two unit dwelling and associated lawns located next to Sackville Drive, with mature trees and shrubs to the rear of the building sloping upwards away from Sackville Drive.
Current Land Use(s)	Two unit dwelling
Surrounding Land Use(s)	North: low density residential development South: existing Kent Building Supplies Store East: auto repair operation, bakery and church West: wooded area, low density residential development

#### Proposal

The applicant wishes to expand the Kent Building Supplies store located in Sackville. Attachments A and B contain the application letter and concept plan submitted by the applicant. General details of the proposed development are as follows:

- 1,354 square metre (14,573 square feet) expansion on the south-west side of the existing store; and
- additional parking and a new driveway access on the north-west side of the existing store.

#### History

Kent Building Supplies was developed in 1991 under the commercial zoning that existed at the time.

In 2000, North West Community Council approved a development agreement to permit the development of storage buildings. At the time, Kent Building Supplies was located within the Urban Residential Designation and zoned both C-2 (Community Commercial) and R-2 (Two Unit Dwelling), which required the expansion of existing large scale commercial uses to be considered by development agreement.

In 2002, Regional Council approved the Sackville Drive Secondary Planning Strategy (SPS). The Sackville SPS rezoned the property containing the Kent Building Supplies store to the LS (Large Scale Commercial) Zone. The subject property, where the applicant wishes to expand parking and access, remained located in the Sackville MPS plan area and the UR (Urban Residential) Designation.

#### Policy Context

The property containing the existing Kent Buildings Supplies store is located within the Sackville Drive SPS plan area and the Downsview-Beaver Bank Designation. The Downsview-Beaver Bank Designation

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is one of four Sackville Drive SPS designations and is intended to recognize and encourage large format retail development. As such, the Downsview-Beaver Bank Designation establishes the LS (Large Scale Commercial) Zone that is applied to a number of sites, including the existing Kent Buildings Supplies store. As this property is now zoned LS, the development agreement approved in 2000 may be able to be discharged.

The subject property, the area where the applicant wishes to expand parking and reconfigure access, is located adjacent to the Sackville Drive SPS plan area and within the Sackville MPS plan area. This portion of Sackville Drive is located within the UR (Urban Residential) Designation, which provides a range of residential development opportunities. Commercial uses are generally not permitted, with the exception of neighbourhood scale development and the limited expansion of existing uses.

#### DISCUSSION

#### **Municipal Planning Strategy Amendments**

The Sackville MPS is a strategic policy document which sets out the goals, objectives and direction for the community's long term growth and development. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

#### Rationale

The applicant has provided the following rationale for the consideration of the proposed amendment:

- the proposed expansion is consistent with the goals of the Sackville Drive SPS to encourage large-format retail developments; and
- the proposal will enable the recommendations from a traffic impact analysis to relocate driveway access approximately 90 meters west of the existing site entrance on Sackville Drive to improve performance and safety for westbound Sackville Drive traffic.

Attachment A contains the applicant's application letter.

#### Staff Review

Staff has reviewed the submitted rationale in the context of site circumstances and surrounding land uses. Staff advise that there is merit to considering the proposal because the subject property is located adjacent to the Sackville Drive SPS Plan area and the Kent Building Supplies Store. While the subject property is relatively large (1.25 hectares), it would represent a modest increase in the size of the Sackville Drive commercial corridor and enable the expansion of an established large format retail store that MPS policies encourage to locate in the area. A full review would consider a number of items, including compatibility with adjacent residential uses, traffic, and the potential to discharge the existing development agreement that applies to the Kent Building Supplies store property.

#### Conclusion

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. An MPS amendment would enable the expansion of the Kent Building Supplies Store to be considered within the broader context of the Regional Plan and HRM's economic development goals. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

#### FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

#### COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop held early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the Sackville MPS and Sackville Drive SPS will potentially impact the following stakeholders: area residents, landowners and businesses.

#### ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

#### ALTERNATIVES

- 1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
- 2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Sackville MPS and Sackville Drive SPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

#### ATTACHMENTS

- Map 1 Generalized Future Land Use Map
- Map 2 Zoning Map

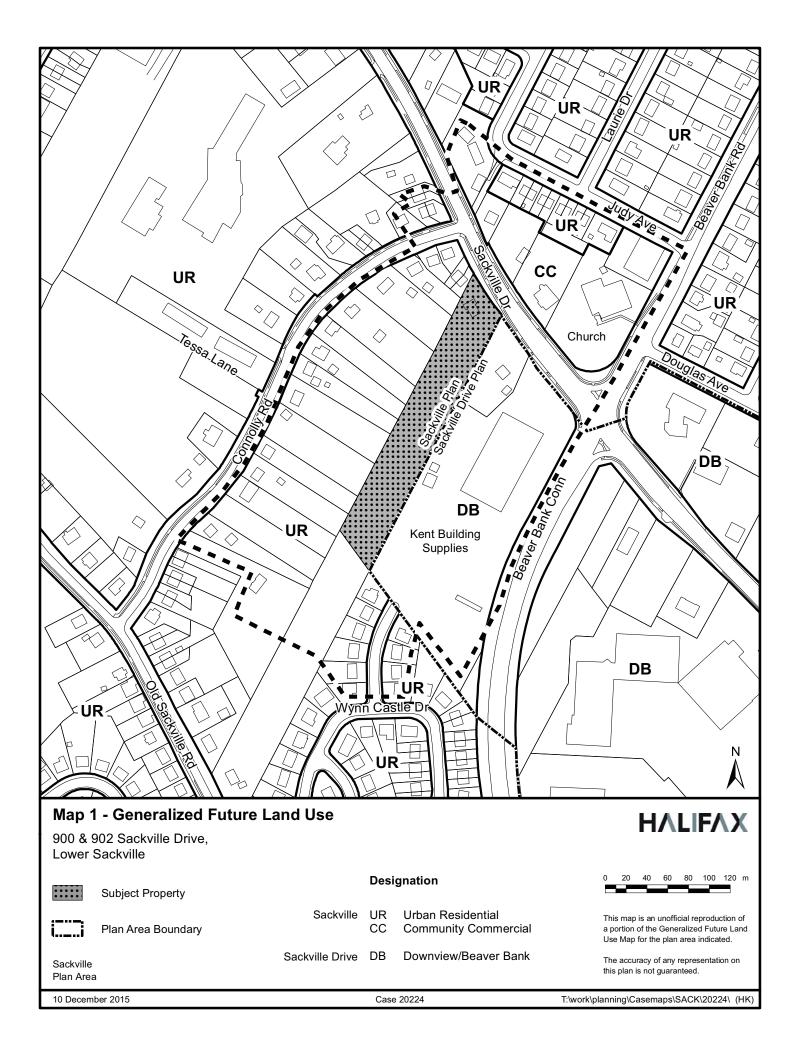
Attachment A Application Letter

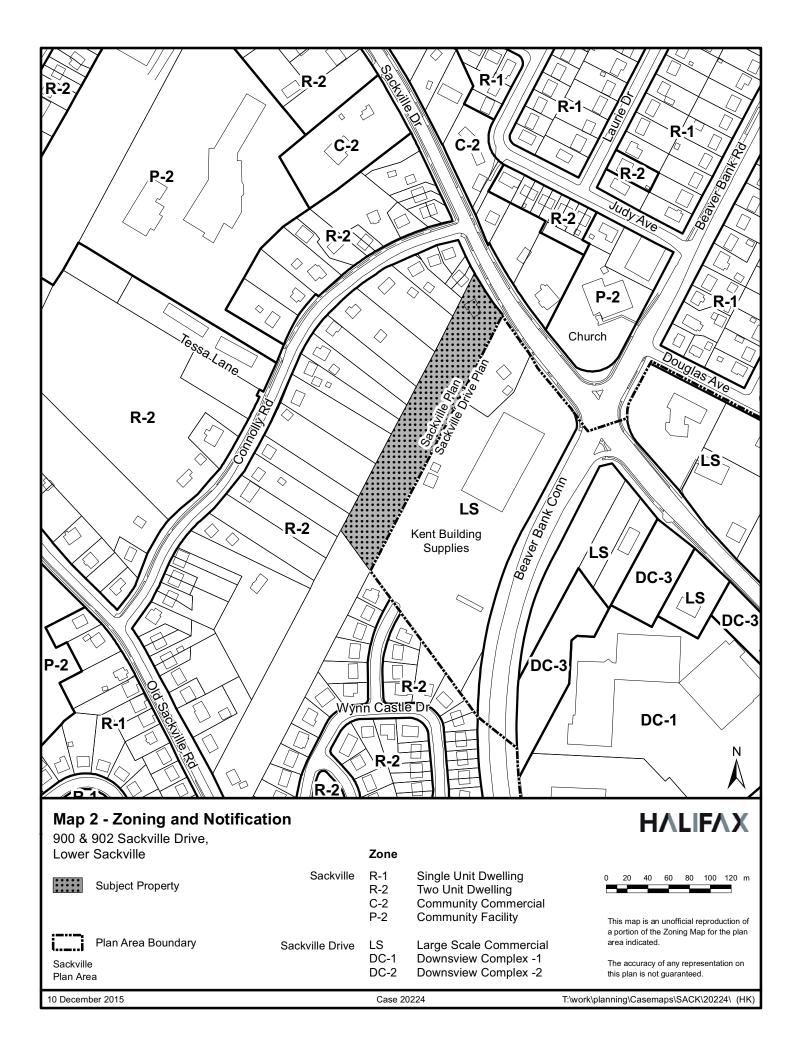
Attachment B Concept Plan

Attachment C Relevant MPS Policies - Excerpts from the Sackville Drive SPS

A copy of this report can be obtained online at http://www.halifax.ca/council/agendasc/cagenda.php then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by:	Ben Sivak, Major Projects Planner, 902.490.6573
Report Approved by:	Kelly Denty, Manager Development Approvals, 902.490.4800
Report Approved by:	Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627





#### Attachment A Application Letter



131-20629-00

October 15, 2015

Ms. Thea Langille Planning Applications Halifax Regional Municipality 40 Alderney Drive, 2<sup>nd</sup> Floor Dartmouth, NS, B2Y 2N5 *langilt@halifax.ca* 

### Re: Planning Application – 874 & 900 Sackville Drive, Lower Sackville, NS (PID 40093742 and PID 40093106)

Dear Ms. Langille,

We are writing on behalf of our client, Kent Building Supplies Ltd. (Kent), with respect to modifications to their Lower Sackville store (PID 40093742), including utilizing the adjacent property (PID 40093106) to accommodate a new driveway access and parking lot expansion.

Through this planning application, we are seeking approval for a plan area boundary amendment to the *Sackville Drive Secondary Planning Strategy (SPS)* to encompass PID 40093106 (900/902 Sackville Drive) and to rezone the encompassed section from residential to commercial as discussed during the pre-application process. This will permit the utilization of the adjacent property for the changes identified above.

#### **Full-application Supporting Material**

In order to assist with the application process, the following supporting materials are enclosed:

- Completed Planning Application Form
- Application Fee \$1,100 + \$1,500 Advertising Deposit
- Concept Plan with restriping Concept Sketch (10 copies)
- Traffic Impact Study dated November 2013 (4 copies)
- Traffic Impact Study Addendum Letter (October 8, 2015) (4 copies)
- Servicing Schematic (6 copies)
- Legal description of the site
- Written consent of registered owner
- Electronic copy of all above material (USB)

#### 1 Spectacle Lake Drive, Dartmouth, Nova Scotia, Canada B3B 1X7 Telephone: 902-835-9955 ~ Fax: 902-835-1645 ~ www.genivar.com

#### Background

It is our understanding that PID 40093742 (874 Sackville Drive) is designated DB-1 (Downsview-Beaver Bank) under the *Sackville Drive SPS* and zoned LS (Large Scale Commercial) under the *Sackville Drive Land Use By-Law (LUB)*. Further, it is our understanding that PID 40093106 (900/902 Sackville Drive) is designated Urban Residential (UR) under the *Sackville Municipal Planning Strategy (MPS)* and zoned R-2 (Two Unit Dwelling) under *Sackville's LUB*. Currently, there is an Agreement of Land Use dated October 18<sup>th</sup>, 2000 attached to PID 4009372 and relates to the existing lumber yard and storage sheds on the site.

Currently, the subject planning area is regulated under two separate planning strategies; Sackville MPS (900/902 Sackville Drive) and Sackville Drive SPS (874 Sackville Drive). Our intension with this application is to shift the boundary of the Sackville Drive SPS in a north-west direction to encompass the site in its entirety by including 900/902 Sackville Drive. The boundary shift would result in rendering the existing development subject to the provisions of the underlying LS (Large Scale) commercial zone regulated under the Sackville Drive SPS. This change would ultimately permit the building and parking lot expansion that Kent wishes to pursue in order to better serve their employees, customers, and surrounding community as a whole.

#### **Development Proposal and Site Analysis**

The existing Kent Building Supplies has operated at its current location for 24 years. In order to better serve their customers, and to enhance site safety, Kent is looking to redesign the site to enlarge the building, improve site access, and improve the parking lot layout. As shown on the attached Concept Plan, Kent proposes to undertake a 14,573 sq. ft. expansion of the south-west side of the existing store as well as to create additional parking and a new driveway access on the north-west side of the site. The proposed expansion would create a total commercial floor area of 54,263 sq. ft. and would require a minimum of 218 parking stalls.

#### Parking

In the *Sackville Drive LUB*, parking lots are encouraged to be located at the rear and side of buildings *(23(3))*. Currently the parking lot design does not support the intent of the LUB as it is located in front of the store. It is our understanding that the existing parking lot is undersized as it currently accommodates 104 stalls and does not adequately support store operations. The existing 39,360 sq. ft. Kent store requires a minimum of 159 stalls under the LUB. As shown in the Concept Plan, the development proposal includes a total of 247 parking stalls, (29 stalls above the required minimum), to the western side of the building.

#### Access

The access point currently serving the site is located close to the major intersection of Sackville Drive and the Beaver Bank Connector. In order to provide for efficient on-site vehicular circulation and to reduce turning movement conflict, a new access is proposed at the north-west portion of the site on PID 40093106. The new access point would accommodate full turning movement, while the existing access point would accommodate right-turn out movement only.

As part of the site redesign, a new proposed building entrance will be located to the west and face the newly expanded parking lot. This additional entrance will enable better on-site pedestrian movement. Further, this entrance will reduce pedestrian and vehicle conflicts by connecting into the existing Sackville Drive sidewalk network and directing pedestrian traffic to the new walkway running along the western side of the building. An entrance fronting onto Sackville Drive will also be provided through the Garden Centre which is consistent with the Architectural requirements of the Sackville Drive LUB (11(3)).

#### Sackville Drive SPS Policies

It is our understanding that the proposed re-development of the Kent site is aligned with the goals of the *Sackville Drive SPS*. In this respect, Policy 5.2.1 states:

Within the Downsview-Beaver Bank district, Sackville's only shopping centre and most of big box retail uses such as Kent Home Building ... can be found. ... large-format stores are integral to the viability of Sackville Drive, and Sackville overall. These stores have broad market appeal drawing on both local and nonlocal consumer markets, which tend to spill over into the smaller retail uses, benefiting the entire street.

The long term viability of the large-format stores depends significantly on grouping the uses together, and ensuring they are within proximity to the regional transportation system in areas of high visibility and high traffic counts. Therefore, given the amount of vacant, highly visible, serviced commercial land near the interchange, the existing cluster of big box uses in this area, and the growing demand for new big box development, the creation of a "large-format power centre" shall be encouraged in this area of Sackville.

By expanding development on the site, the proposed development reinforces the existing cluster of big box development, which is encouraged by the Sackville Drive SPS.

Furthermore, the proposal is aligned with the goals and objectives of the SPS. The objectives include (4.3 (a) (b) (c)):

(a) Improving Traffic Efficiency:

- Provide easy access and egress to/from all businesses
- Reduce conflicts between pedestrians and motor vehicles

(b) Improve the Pedestrian Opportunities on the Street

- Make businesses more accessible to pedestrians
- Create convenient and accessible pedestrian linkages to the street

c) Stimulate Retail & Residential Growth

- Streamline development application processing time
- Create a focus for retail and residential activity on the street

- Make Sackville Drive safe for all consumers (drivers and pedestrians)
- Improve traffic flow and circulation (access and egress)

#### **Traffic Impact Study**

A Traffic Impact Study (2013) was undertaken in relation to the above-noted development proposal. The TIS concluded that the low number of trips generated by the proposed development does not have any noticeable impact to the level of performance of the Sackville Drive/Beaver Bank Road intersection. The TIS recommended that the site entrance be relocated approximately 90 meters west of the existing site entrance on Sackville Drive to improve performance and safety for westbound Sackville Drive traffic. An attached addendum to the TIS also supports the redesign of the existing driveway to allow for right-turn in and right-turn out movement. These changes are expected to have no significant impacts to the site or the street network Study Area and therefore keep all recommendations and conclusion from the original 2013 Traffic Impact Study valid.

The development proposal, as shown in the attached Concept Plan, reflects the recommendation to relocate the site entrance to the north-west. For further information with respect to Traffic, please see the attached Traffic Impact Study.

#### Comments Provided by HRM through the Pre-Application Process

Comments provided by HRM have been considered and have either been addressed in this application or have been identified as comments to be addressed in future permit requests. Such provisions include:

## The Garden Centre located at the front of the building, facing Sackville Drive, does not comply with the requirement for a defined entrance on Sackville Drive.

• This comment has been noted and an articulated entry way will be addressed in the future building permit application for the site.

### Architectural treatments are required for the portion of the building facing Sackville Drive and Beaver Bank Road.

• It has been acknowledged that architectural treatments on the façade facing Sackville Drive and Beaver Bank Road are needed and they will be addressed in the elevations provided with the future building permit application for the site.

### Can the proposed right out only driveway (made from the existing access point to the site) be narrower to discourage vehicles from entering the site illegally?

 Since the pre-application, changes have been made to the concept plan to accommodate for right-turn in access as well as for right-turn out exit. Appropriate design features will be included for these changes including an elevated curbed island and surface markings which are meant to discourage any illegal entry or exit for the site.

## Can the delivery/loading area be augmented to allow for trucks to enter and exit from the proposed new full access driveway?

This has been acknowledged, however, in order for trucks to use this proposed new driveway for exiting purposes, it would require the customer parking area to serve as an access route to reach the final site exit point. This is deemed to be unsafe for customer vehicles as well as on-site pedestrians who are utilizing the store's parking lot area. Additionally, the current built form of the building will not permit trucks from entering the parking lot area as the space between the building and the property line near the Garden Centre will not accommodate the required turning radii for trucks. It is therefore recommended that trucks should use the right-out drive way located towards the south of the site.

# The TIS recommendation to re-stripe the centre lane on Sackville Drive back to the intersection cannot be accommodated due to lane alignment/continuity requirements.

• This point has been acknowledged. Please see the attached Concept Plan which shows the proposed restriping markup for new left turn lane. This lane will enhance the overall safety for site access and is expected to reduce the frequency of vehicle collisions that current exist at the Beaverbank Connector/ Sackville Drive intersection.

# The future revised plan should include proper storage arrangement for all commodities according to the fire protection system for which was designed as well as any applicable requirements as outlined in the NFCC.

• The surveying schematic notes that the building fire department connection will be located within 45m of a new hydrant located at the new front entry of the retail store.

#### The existing private hydrant and the building's Fire Department Connection will become situated at the rear of the building following proposed expansion. Time for firefighters to connect to the FDC will be greatly reduced if the location for these systems were changed and in keeping with the required standards.

• The location for the private hydrant and the building's FDC will be addressed based on the Nova Scotia Building Code Regulations at the detailed design level for the planned site changes.

## Engineers are to confirm that the laterals are sized appropriately at 874 Sackville Drive to service both the existing building and the expansion.

• The laterals on 874 Sackville Drive are sized appropriately for the existing building as well as for the intended expansion. This has been shown on the attached servicing schematics.

# Adequate signage must be put in place to indicate the direction of travel into and out of the driveways. Additional signage is to be placed should employee parking be separated from customer parking.

 Adequate and appropriate signage will be used upon entering and exiting the premises as well as within the expanded parking lot. These details will be included in future development permit applications.

### Recommend that landscaping be kept below 3' and trees limbed up to at least 6' so as not to infringe on sightlines.

 Adequate and appropriate landscaping will be provided so as not to impede on visibility and sightlines. These details will be included in future development permit applications.

## Good quality white lights should be in provided in the parking lot and exterior of the building to provide site users and CCTV equipment (if in place) adequate visibility after hours.

• Adequate and appropriate lighting will be provided to ensure visibility after hours. These details will be included in future development permit applications.

#### Conclusion

It is our opinion that the proposed re-development of the Kent Site is within the intent of the policies contained in the *Sackville Drive Secondary Planning Strategy*. Further, the re-development provides a strategic opportunity to improve existing site challenges – particularly with respect to parking and access. The requested amendment to shift the Sackville Drive SPS boundary to fully encompass the Kent's site would ultimately support their intent to better serve the community and its customers through adequate parking facilities and overall safer on- and off-site vehicular circulation.

We look forward to starting the planning process and trust our application submission is satisfactory.

Should you require further information, please do not hesitate to contact the undersigned directly.

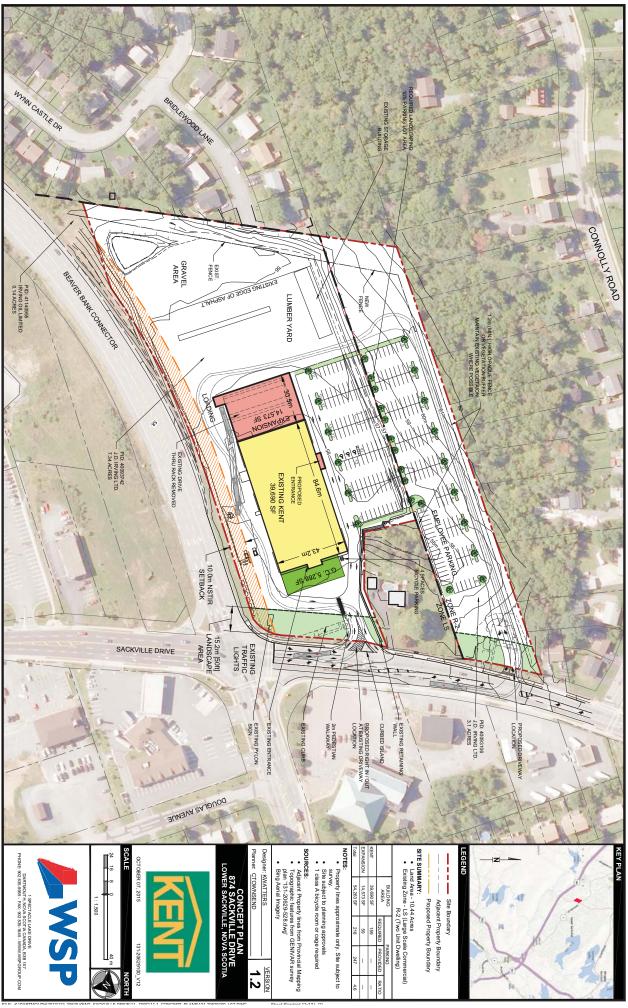
Kind regards,

WSP Canada Inc.

Original Signed

Christina Townsend, MCIP, LPP Urban Planner 902 835 9955

Cc: Rick Davis, Kent Building Supplies



#### Attachment C Excerpt from the Sackville Drive Secondary Planning Strategy (SPS)

#### 5.2 <u>The Downsview-Beaver Bank Designation</u>

The Downsview-Beaver Bank Designation refers to all public and private lands located between the Beaver Bank Connector and Riverside Drive including Walker Avenue and Old Sackville Road. The proximity to the regional transportation system and diversity of land uses, provides both unique opportunities and challenges. Based on these opportunities and constraints, the following policy objectives have been identified for the Downsview-Beaver Bank Designation:

#### Policy DB-1

A Downsview-Beaver Bank Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use, that shall:

- (a) encourage the creation of a visually attractive and viable retail power centre in Sackville;
- (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 Development Agreement due to its proximity to the Halifax Transit Sackville Terminal (RC-Jul 21/15;E-Sep 12/15);
- (c) discourage small scale retail and commercial uses within the Large Scale Commercial Zone;
- (d) encourage the restoration of the Downsview Shopping Centre and Plaza to reinstill it as an important and viable community commercial centre;
- (e) improve vehicular movement;
- (f) create a recognizable entry into Sackville Drive;
- (g) improve the visible and physical connection to the Little Sackville River; and
- (h) improve the quality and image of the streetscape.

### 5.2.1 Develop a Large Format Retail Power Centre

Within the Downsview-Beaver Bank district, Sackville's only shopping centre and most of big box retail uses such as Kent Home Building, WalMart, Sobeys, Super Store, Blockbuster, and Canadian Tire can be found. In general terms, these stores are large-format stores that typically range in size from 20,000 to more than 80,000 square feet. The definition of "big" is relative, however, and must be related to the product category in question. For instance, a large format supermarket/grocery sector would normally be in the 50,000 to 100,000 square foot range. For warehouse operations, such as Kent or Home Depot, a large format store would normally contain 100,000 square feet. In contrast, for book retailers, 25,000 to 50,000 square feet would qualify as a big-box operation. For other specialty retail categories, for example, eye glasses, a 5,000 square-foot store would qualify as a large format store. The key point is that "large format" stores are several times the size of traditional outlets in their category. Although conventional wisdom dictates that "large-format" commercialism creates a loselose outcome to the community in that such uses tend to "squeeze" out the small retail market, this is not always the case. In fact, large-format stores are integral to the viability of Sackville Drive, and Sackville overall. These stores have broad market appeal drawing on both local and non-local consumer markets, which tend to spillover into the smaller retail uses, benefiting the entire street.

The long term viability of the large-format stores depends significantly on grouping the uses together, and ensuring they are within proximity to the regional transportation system in areas of high visibility and high traffic counts. Therefore, given the amount of vacant, highly visible, serviced commercial land near the interchange, the existing cluster of big box uses in this area, and the growing demand for new big box development, the creation of a "largeformat power centre" shall be encouraged in this area of Sackville.