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Halifax, Nova Scotia  
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## MEMORANDUM

**TO:** Chair and Members of North West Planning Advisory Committee

**FROM:** Erin MacIntyre, Planner 1

**DATE:** August 14, 2015

**SUBJECT:** **Case 19965: Application by Atlantic Gardens to amend the Sackville Land Use By-law to include Gas Bars as a permitted land use in the C-2A (Minor Commercial) Zone, specifically at 1620 Sackville Drive, Middle Sackville.**

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**Background:** Atlantic Gardens Incorporated has applied for an amendment to the Sackville Land Use Bylaw to add 'Gas Bar' as a permitted use in the C-2A (Minor Commercial) zone. The C-2A zone permits commercial uses such as retail stores, service uses, banks and restaurants, shopping plazas and malls.

The property was originally part of a Planned Unit Development (PUD) in the 1970's that placed an R-1 (Single Unit Dwelling) Zone on the property. The R-1 Zone rendered the greenhouse non-conforming and unable to change use or expand. In 2001, the PUD authority was discharged, Policy UR-29 developed and the minor commercial (C-2A) zone applied to the subject property and the two adjacent properties.

The development proposal is for five units of retail space, limited in accordance with the bylaw to 10,000 square feet or less, and a gas bar. The retail building is currently permitted and can proceed without the amendment. The gas bar is not permitted by the C-2A zone, and the requested amendment is needed to add it as a permitted use.

**Location:** 1620 Sackville Drive, Sackville (Attachment A)

**Existing Use:** Atlantic Gardens greenhouse operation

**Designation:** UR (Urban Residential) of the Sackville Municipal Planning Strategy (Map 1)

**Zoning:** C-2A (Community Commercial) Zone of the Sackville Land Use Bylaw (Map 2)

**MPS Policy:** This application can be considered under Policy UR-29 (Attachment B), which allows Council to consider adding 'gas bar' as a permitted uses as an amendment to the Land Use Bylaw.

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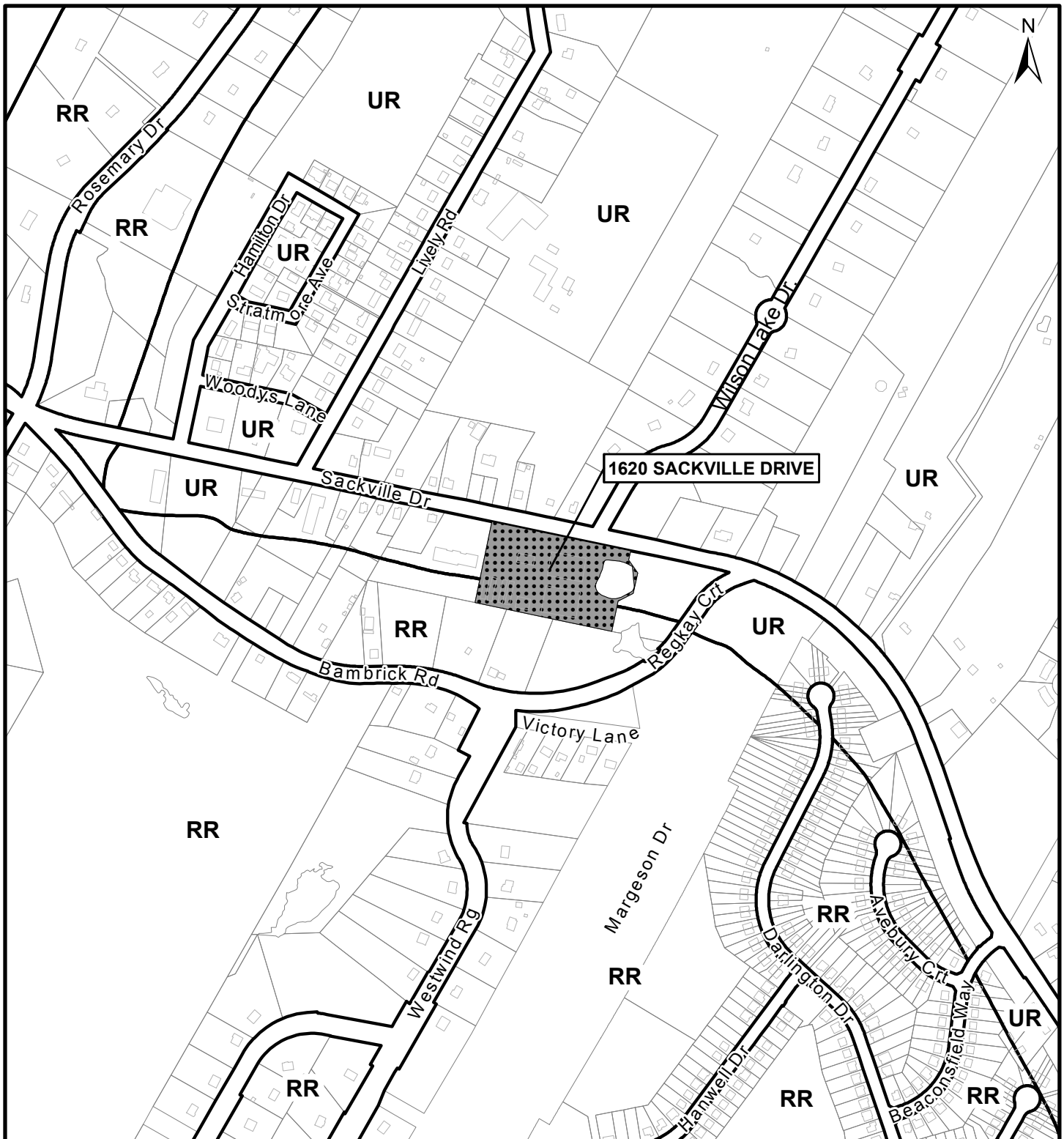
**Proposal:** The applicant is proposing to construct a 9,600 square foot commercial building and gas bar. As proposed, the commercial building will provide 5 retail/office lease spaces. Portions of the existing Atlantic Gardens greenhouse and growing operation are proposed to remain as part of the development.

**Input Sought from North West Planning Advisory Committee**

Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.

**Attachments:**

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Location Map
Attachment B	C-2A (Community Commercial) Zone of the Sackville Land Use Bylaw
Attachment C	Policy UR-29 of the Sackville Municipal Planning Strategy
Attachment D	Notes from the Public Information Meeting



**Map 1 - Generalized Future Land Use**



Application Location

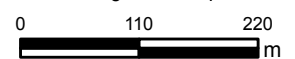
**Generalized Future  
Land Use Designation**

RR Rural Residential

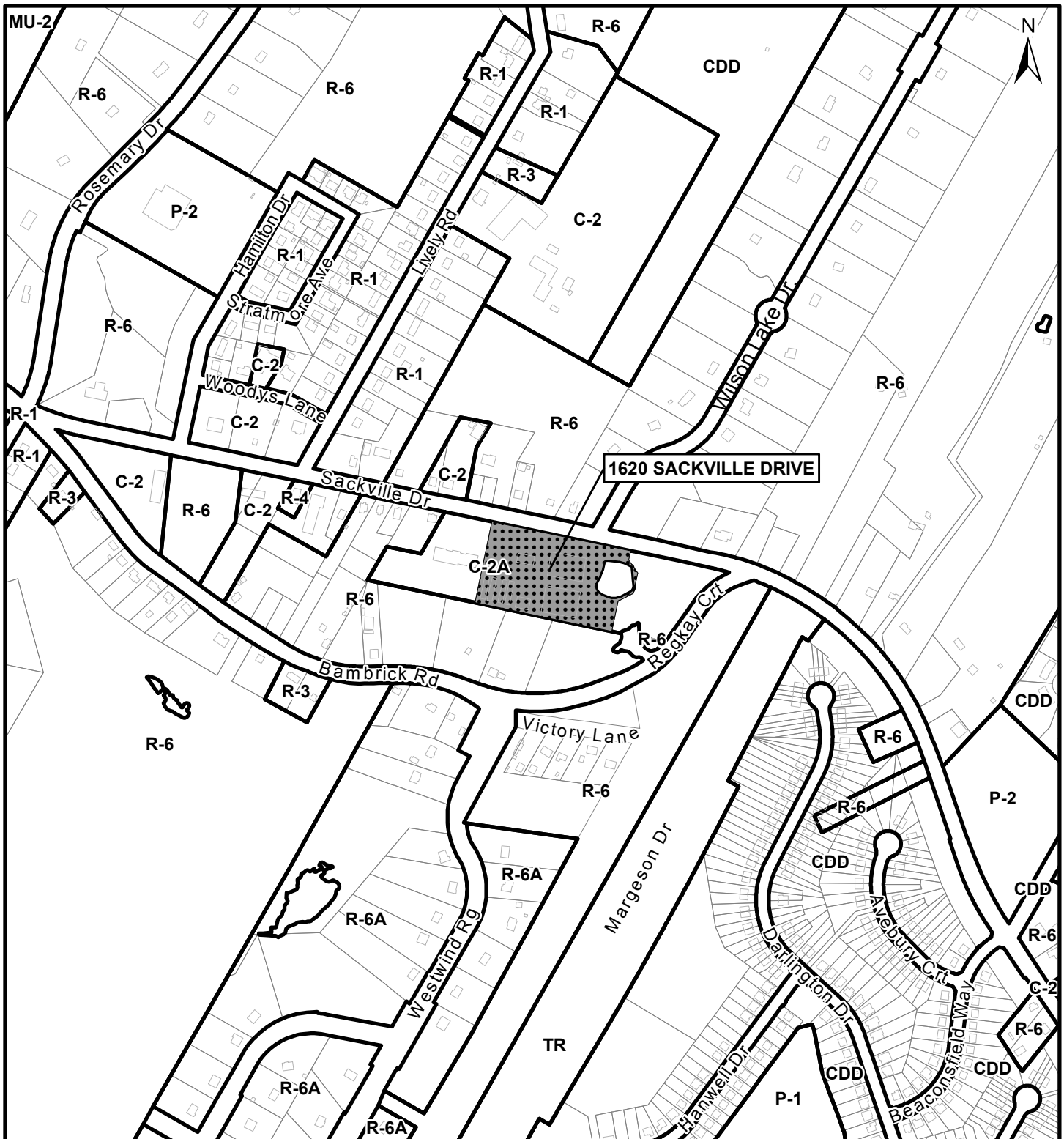
UR Urban Residential

**HALIFAX**

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Scale 1: 7,000



## Map 2 - Zoning



Application  
Location



Zoning

### Zoning

- C-2 Community Commercial Zone
- C-2A Minor Commercial Zone
- CDD Comprehensive Development District
- MU-2 Mixed Use Two
- P-1 Open Space Zone
- P-2 Community Facility Zone

R-1 Single Unity Dwelling Zone

R-3 Mobile Dwelling Zone

R-4 Multiple Unit Dwelling Zone

R-6 Rural Residential Zone

R-6A Rural Residential Single Unit Dwelling Zone

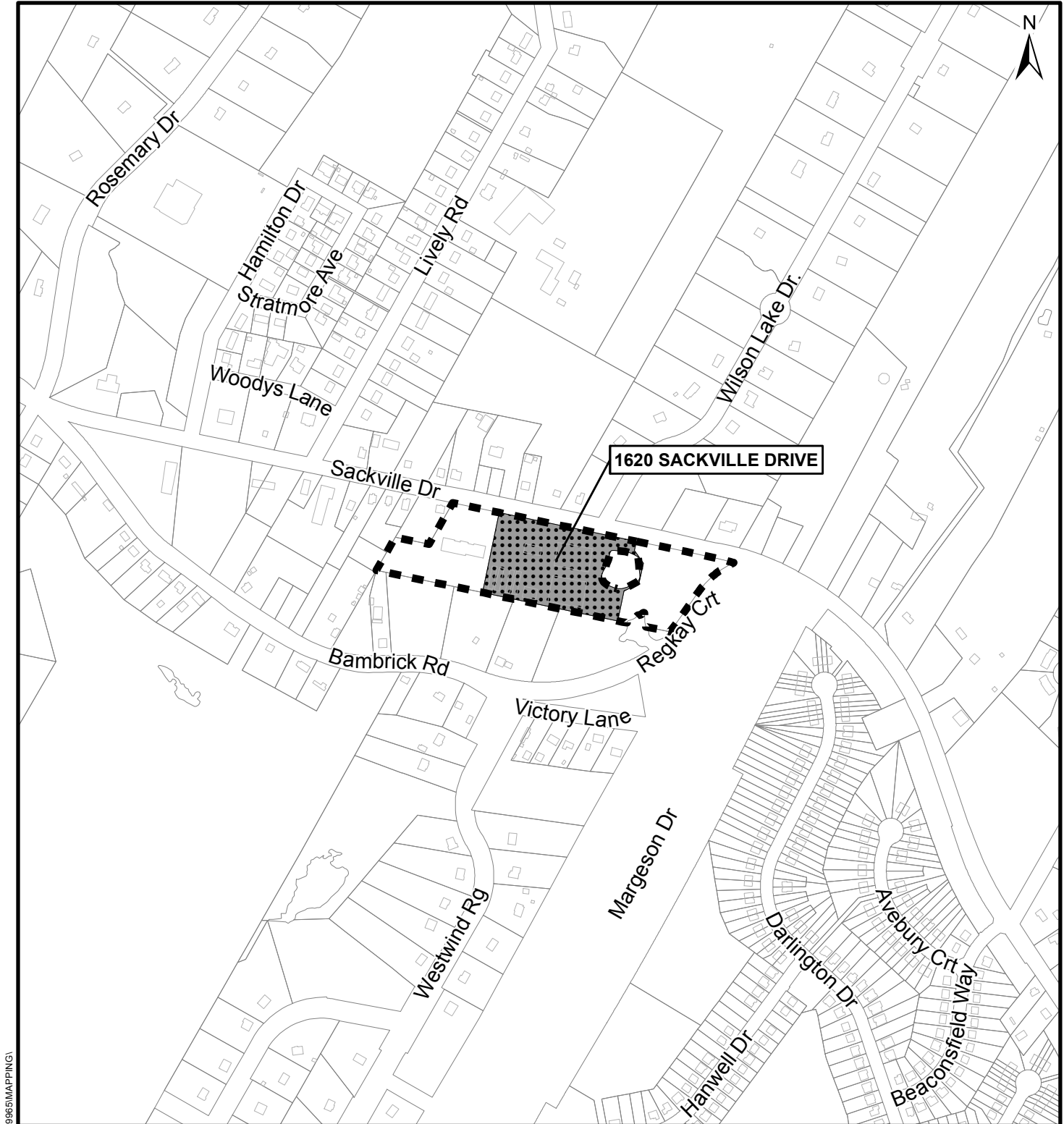
TR Transportation Reserve Zone

**HALIFAX**

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0 110 220  
m

Scale 1: 7,000



## Attachment A - Location Map

 Application Location

 C-2A Zoned Properties

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m

Scale 1: 7,000

**PART 15A: C-2A (MINOR COMMERCIAL) ZONE (RC-Apr 24/01; E-Jun 2/01)**

**15A.1 C-2A USES PERMITTED**

No development permit shall be issued in any C-2A (Minor Commercial) Zone except for the following:

**Commercial Uses**

Retail stores

Food stores

Service and Personal Service Uses

Offices

Commercial schools

Banks and financial institutions

Restaurants take-out and drive-in

Shopping plazas and malls

Commercial recreation uses

Greenhouses and nurseries

Veterinary hospitals and kennels

Community Uses

Open space uses

Institutional uses

**15A.2 C-2A ZONE REQUIREMENTS: COMMERCIAL USES**

In any C-2A Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

<b>Minimum Lot Area:</b>	<b>central services</b>	<b>6,000 square feet (558 m2)</b>
	<b>on-site services</b>	<b>20,000 square feet (1,858m2)</b>
<b>Minimum Frontage:</b>	<b>central services</b>	<b>60 feet (18.3 m)</b>
	<b>on-site services</b>	<b>100 feet (30 5 m)</b>
<b>Minimum Front or Flankage Yard</b>		<b>30 feet (9.1 m)</b>
<b>Minimum Rear or Side Yard</b>		<b>15 feet (4.6 m)</b>
<b>Maximum Lot Coverage</b>		<b>50 per cent</b>
<b>Maximum Height of Main Building</b>		<b>35 feet (10.7 m)</b>

**15A.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA**

- (a) The gross floor area of all commercial buildings on a lot in any C-2A Zone shall not exceed ten thousand (10,000) square feet (929 m2).

**15A.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY**

Where any portion of any lot in any C-2A Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
- (d) No open storage or outdoor display shall be permitted within any yard in a C-2A Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

**15A.5 OTHER REQUIREMENTS: PARKING LOTS**

Where parking lots are permitted in any C-2A Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2A Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2A Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2A Zone shall be located within ten (10) feet (3 m) of any front lot line.

**15A.7 C-2A ZONE REQUIREMENTS: COMMUNITY USES**

In any C-2A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

**15A.8 OTHER REQUIREMENTS: ATLANTIC GARDENS**

Notwithstanding the provisions of Sections contained within 15A the existing Atlantic Gardens Centre, located on the lot identified by PID Number 40150856, is recognized as an existing use. An expansion which does not meet the provision of 15A3 (maximum commercial floor area) shall be permitted. All other provisions of the zone shall be met.

Atlantic Gardens has long been part of the Sackville Community. In April 1979, a development plan was approved for the site by the former Halifax County Council to permit construction of a greenhouse operation under the Planned Unit Development (PUD) By-Law. At that time the subject property was zoned R-1, which did not permit the proposed use. The Planned Unit Development By-Law required that the registered owner enter into an agreement with the Municipality, similar to the development agreement provisions of the Municipal Government Act. The authority to utilize the Planned Unit Development By-law has been repealed. As a result Council discharged the PUD and placed a Minor Commercial Zone on the properties. This zone was developed specifically for Atlantic Gardens. In addition, Council wished to recognize the present garden centre use and to allow the owner to expand that use into a full service garden centre facility. (RC-Apr 24/01;E-Jun 2/01)

**UR-29** Notwithstanding Policy UR-2 and RR-2, the properties known locally as Atlantic Gardens at 1620 Sackville Drive (PID 40150856) and the lot at the corner of Sackville Drive and Old Sackville Road (PID 40150815) shall be zoned to a Minor Commercial Zone. This zone shall provide for a limited range of retail, personal service, and service uses which can be accommodated without detriment to the surrounding residential neighbourhood by virtue of aesthetics, and environmental degradation. These uses shall include: retail stores, service and personal service shops, offices, commercial schools, banks and financial institutions, restaurants take-out and drive-in, shopping plazas and malls, commercial recreation uses, and greenhouses and nurseries. Institutional uses shall also be permitted. Outdoor storage, display, and signs shall be regulated. (RC-Apr 24/01;E-Jun 2/01)

**UR-30** Notwithstanding Policy UR-2 and RR-2 it shall be the intention of Council to recognize and accommodate within the land use by-law the existing garden centre at 1620 Sackville Drive (PID 40150856). In addition, a full service garden centre shall be permitted without meeting all of the provisions of the Minor Commercial Zone. (RC-Apr 24/01;E-Jun 2/01)



**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 19965**

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**Thursday, August 6, 2015**  
**7:00 p.m.**  
**Sackville Heights Community Centre**

**STAFF IN**

**ATTENDANCE:** Erin MacIntyre, Planner, HRM Development Approvals  
Tyson Simms, Planner, HRM Development Approvals  
Thea Langille, Major Projects Planner, HRM Development Approvals  
Dave Hanna, Development Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN**

**ATTENDANCE:** Councillor Brad Johns, District 14  
Robin Godfrey, Atlantic Gardens

**PUBLIC IN**

**ATTENDANCE:** Approximately 13

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The meeting commenced at approximately 7:03 p.m.

**1. Call to order, purpose of meeting – Erin MacIntyre**

Ms. MacIntyre introduced herself as the Planner and Facilitator for the application; Tyson Simms, Planner, HRM Development Approvals; Cara McFarlane and Dave Hanna, HRM Development Approvals; Councillor Brad Johns, District 14; and Robin Godfrey, Atlantic Gardens.

Case 19965 is an application by Atlantic Gardens to request an amendment to the Sackville Land Use By-law (LUB) to permit a gas bar as a permitted use under the C-2A Zone at 1620 and 1624 Sackville Drive, Middle Sackville.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

**2. Overview of planning process – Erin MacIntyre**

HRM receives an application; the PIM is held at the beginning of the process; Staff circulates the application and plans to internal stakeholders for comment; The application would then go before North West Planning Advisory Committee (NWPAC) for their review and recommendation; Staff will include comments from a detailed internal/external review along with feedback from the public and recommendation from NWPAC in a Staff Report to North West

Community Council (NWCC); NWCC is required to hold a public hearing and make a decision in regards to this application; and, NWCC's decision is subject to a 14-day appeal process through the Nova Scotia Utility and Review Board (NSUARB).

### **3. Presentation of Proposal – Erin MacIntyre**

The location of the site was shown in red. The site consists of two properties which are zoned C-2A (Minor Commercial) Zone.

A list of permitted land uses in the C-2A Zone was shown. The proposal is to add a gas bar as a permitted commercial land use in this particular zone. The definition of a gas bar that currently exists in the Sackville LUB was given.

Ms. MacIntyre pointed out that this proposal is only to add the gas bar as a permitted use but the entire site plan was shown to give an idea of what the applicant would like to do on the site. Moving forward, the details would be reviewed internally.

The location of the proposed gas bar was shown along with five retail leasehold spaces. Also shown was the location of the Atlantic Garden Centre site. The existing building will be removed and there is potential, if possible, to someday subdivide the property to create an independent parcel

### **Presentation of Proposal – Robin Godfrey, Owner of Atlantic Gardens and Property Owner**

Phase One, Atlantic Gardens Square, is complete with the Tm Hortons and Pharmasave. Phase Two, approximately 2 acres in size, will have a building constructed between the Atlantic Garden Square retail mall and the lower property where the Atlantic Gardens production greenhouses and shipping warehouse are located. Continuity is very important to the family; therefore, the original designer/contractor for Phase One has been retained for Phase two. The building will basically be the same size and have the same look. Results of a study, determined that Middle Sackville has a lack of services, one being gas services.

Over the past Winter, there was significant damage to the production site. In order to modify and maintain the production facility, shipping warehouse and irrigation pond and keep it separate from the proposed site, a request for a separate exit across from Wilson Lake has been submitted.

### **4. Questions and Comments**

**Valerie LeBlanc, Wilson Lake Drive** - What brand of gas bar? **Mr. Godfrey** – After a lot of time, effort and research, it was decided to go with a national brand, Petro-Can.

**Ms. LeBlanc** – What is involved with the studies for environmental concerns? She is concerned about wells in the area, safety issues associated with a gas bar and seepage into the water system, traffic flow, and traffic lights should be installed. **Mr. Godfrey** and his family understand her valid concerns. His family values the spring fed pond for their business. A lot of research went into the installation of gas bars to ensure that the nursery business and water source would be protected. The water is tested for nitrogen levels due to fertilization. They felt comfortable after meeting with a company in Mahone Bay, recommended as the best, and going through all the new technology and products. Their natural water supply was reduced by 40% when water and sewer was put into the area. The contractor was also apprehensive and his mother did not want to contaminate the property for future family use. **Ms. MacIntyre** – In terms of traffic, a Traffic Information Statement (TIS) is required as part of the application. The

TIS is prepared by a professional engineer and reviewed by HRM Development Engineering to determine if there are any issues as a result of the development. In terms of environment concerns, a copy of the application was sent to Department of Environment (DOE) for comment. Any issues raised by DOE require the applicant to address. **Ms. LeBlanc** believes that a previous application was denied due to traffic flow over the blind crest and stopping times at that location. **Mr. Godfrey** – Tim Hortons generates a lot of traffic. In the initial TIS, a turning lane was not warranted (although close) for Phase One. WSP Canada Inc. performed the new TIS and a new turning lane (from Wilson Lake up to the end of the second entrance on the site) will be constructed whether warranted or not. Traffic lights will not be installed. **Councillor Johns** believes that due to certain development restrictions, the Province probably would not allow a set of traffic lights at that location due to the proximity of the roundabout to Highway 101. **Ms. LeBlanc** – Will it just be a left turning lane? **Mr. Godfrey** – It will be a true middle turning lane (left and right). **Ms. MacIntyre** – The TIS is based on information that is relevant.

**Sandra MacDonald-Clahane, Wilson Lake Drive** – Does the TIS take into consideration the HRM project on Wilson Lake that will consist of 150 units? This will add traffic volume to Wilson Lake where there currently are problems. **Ms. MacIntyre** – A TIS considers current conditions and developments that have been approved by Council. **Councillor Johns** asked about the status of an Armco proposal that was submitted about a year ago and the PIM that was held. **Thea Langille, Major Projects Planner, HRM Development Approvals** – A PIM was held for that particular application. Staff did an internal review and comments were provided to the developer with regards to concerns. A lot of those concerns were also captured at the PIM. Therefore, it is now up to the developer to respond to those concerns. Another PIM will more than likely be held if a new/amended application comes forward.

**Steve Noel, Lively Road** – Will the current traffic issues be addressed if this application isn't approved? A turning lane is needed. **Ms. MacIntyre** – A turning lane will be required by the developer if the application is approved. If it is not approved, HRM will not ask the developer to fix the existing traffic problem. **Councillor Johns** explained that for Phase One, a turning lane was required. HRM recognized the high cost to the developer and knowing Phase Two was coming forward, felt that it would be more beneficial to wait so the turning lane could be built to address all of the problems. **Ms. LeBlanc** – Is it pre-assumed that Phase Two is going to be approved by Council? **Councillor Johns** – Phase Two can be done independent of the gas bar. Tonight's proposal is solely the addition of the gas bar use to the C-2A Zone.

**Ms. LeBlanc** – Can someone construct a gas bar on the vacant land across the street from this site? **Mr. Simms** – This is the only site (currently consisting of two parcels) in the Sackville plan area that is zoned C-2A. If the owners decided to subdivide one of the properties, there would be three parcels of land zoned C-2A in the Sackville plan area.

**Peggy Godfrey, owner of Atlantic Gardens** clarified that their land was originally zoned R-1. Under the County, there was a special agreement which considered the parcel to be farmland and had a special land use. This became obsolete in the late 90s when Sackville started their own Municipal Planning Strategy (MPS). Their property was left in limbo and no longer had its own legal entity or significance. Sackville Planning and NWCC designated the property C-2A which they are happy with and have no objections. It is similar to the Mainstreet program in Bedford where their other business was located. The thought of a gas bar was a big concern because of all the potential issues with fossil fuels and the environment. DOE and HRM security features and controls are very stringent. If there are liabilities from pollution, it can bankrupt a family for generations; therefore, our family is not entering this lightly. **Ms. LeBlanc** – Will the retail operation exist? **Mr. Godfrey** – The retail at the lower level (reason for the lower entrance) will be Phase Three but will have a different look.

**Ms. MacDonald-Clahane** – Comments made about traffic lights not permitted due to proximity

of the roundabout, are they based on HRM's Right of Way or NS Transportation and Infrastructure Renewal (NSTIR)? **Ms. MacIntyre** – NSTIR have a certain circumference around their infrastructure to avoid developing business. **Ms. MacDonald-Clahane** – Has NSTIR provided comments to HRM? **Ms. MacIntyre** – A detailed review has not been done yet. The proposal is not within that roundabout circumference; therefore, the Province does not feel the need to discuss that issue.

**Brian Murray, Hammonds Plains** – If the LUB amendment is approved, will it affect C-2A Zoned properties in all of HRM or just Sackville? The alternative would be to rezone that property. **Ms. MacIntyre** – This amendment is limited to the Sackville plan area. **Mr. Simms** – Policy within the Sackville MPS does not allow Council to consider other parcels within the Sackville plan area to be rezoned to C-2A Zone.

**Mr. Simms** explained that in terms of DOE's review, potential impacts on the irrigation pond will be considered. If the applicant wanted to alter or modify the pond, they would have to go through an alteration process. If this application is approved and the applicant was successful in getting a gas bar on the site, DOE conducts an audit of the gas bar itself. They have stringent regulations in terms of setback, setup, etc. A process solely for the construction and establishment of the gas bar is done separately.

## **5. Closing Comments**

**Ms. MacIntyre and Mr. Simms** thanked everyone for coming and expressing their comments.

## **6. Adjournment**

The meeting adjourned at approximately 7:46 p.m.