


**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



Geris Kaiser, Acting Chief Administrative Officer



Paul Dunphy, Acting Deputy Chief Administrative Officer - Operations

**DATE:** June 13, 2008

**SUBJECT:** Case 01116 - MPS Amendment - Fraternal Centres

**ORIGIN**

1. Motion of Marine Drive, Valley, and Canal Community Council (MDVCCC) at January 16<sup>th</sup>, 2008 meeting
2. Motion of Marine Drive, Valley, and Canal Community Council (MDVCCC) at June 10<sup>th</sup>, 2008 meeting recommending staff proceed to Regional Council with an initiation report.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Initiate a process to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law to enable the consideration of a fraternal centre at 40 Sandy Lake Road, Beaver Bank, and reconsider the definition of fraternal centres; and
2. Request that Staff follow the public participation program approved by Council in February 1997.

## **BACKGROUND**

The Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) defines fraternal centres as follows:

“means any lot or building operated by members of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion's Club, Knights of Columbus or Kiwanis.”

Fraternal Centres are currently only permitted under the Highway Commercial (C-4) Zone and are limited to this zone as they are perceived to have the same impact as a commercial club (Attachment A).

HRM received a written request from a fraternal centre expressing their desire to establish a picnic park and meeting hall at 40 Sandy Lake Road, Beaver Bank on a Mixed Use 1 (MU-1) zoned property (Map 1). Under current policy, this property would have to be rezoned to Highway Commercial (C-4) Zone to permit a fraternal centre. Policy P-24 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy provides the conditions under which Council can consider rezoning to the C-4 zone (Attachment A). Under this policy, a property must have direct access to a collector highway. Sandy Lake Road is classified as a local road and as such, is not eligible for consideration.

## **DISCUSSION**

Based upon discussions with MDVCC Council members and their motion of June 10<sup>th</sup>, 2008, staff is of the understanding that Community Council wishes to focus the amendments on 40 Sandy Lake Road, Beaver Bank and not pursue broad amendments to the Plan. Enabling a fraternal centre at 40 Sandy Lake Road would require a plan amendment and must be initiated by Regional Council. The general staff position on plan amendments is that they should only be considered when there is a significantly different situation than what the existing plan policies anticipated. Staff are of the opinion that the situation at 40 Sandy Lake Road may be significantly different from what the policies anticipated when restricting fraternal centres and may warrant consideration given:

- the property is approximately four acres in size with trees buffering the adjacent residential;
- there are two access points and space for on-site parking;
- the property is only two lots removed from a highway collector, the Beaver Bank Road, where there is policy to consider fraternal centres; and
- the majority of the surroundings properties are residential but zoned MU-1 which permits a wide range of uses, including full-service restaurants, trucking and excavation, agricultural uses, etc. which may have a similar impact to the proposed fraternal centre.

In addition to site specific policy, Council may also wish to consider amending the fraternal centre definition, as found above. The current definition determines a fraternal centre based on ownership, not on use. Any function or property operated by a fraternal organization is considered to be a fraternal centre, regardless of the land use or impact of that function. The goal of the MPS is to limit fraternal centres due to the potential impact of the commercial club aspects of their operation.

Fraternal organizations may wish to operate other community facilities, such as the picnic park proposed for 40 Sandy Lake Drive, that do not have commercial club aspects. The current definition limits any operation by a fraternal organizations to the C-4 zone. The definition could be changed to tie fraternal centres to the uses that the plan wants to control. This could allow fraternal organizations to operate in other areas of the plan, provided they are not functioning as a fraternal centre with commercial club impacts.

### **Conclusion**

Staff are recommending that Council initiate the process to consider amending the MPS to create site specific policy to enable a fraternal centre at 40 Sandy Lake Road, Beaver Bank, as it appears to be a suitable location for this use. Based on feedback from Council and from a review of the MPS, staff are not recommending broad amendments to increase the opportunities for fraternal centres. However, to enable fraternal organizations to operate other facilities in the Plan Area, staff are recommending that the definition of fraternal centres be based on the use and commercial club impacts, not just ownership.

### **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved operating budget for C310.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

1. Council may choose to initiate the MPS amendment process. This is the recommended course of action.
2. Council may choose to not initiate the MPS amendment process. This is not the recommended course of action for the reasons outlined above.

### **ATTACHMENTS**

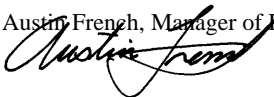
Map 1: Location Map  
Attachment A Relevant MPS Policies

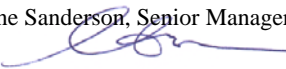
Available Upon Request:

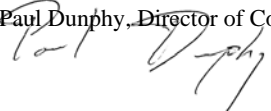
Staff Report dated April 29, 2008 for Case 01116 - Amendments to the MPS for Beaver Bank, Hammonds Plains and Upper Sackville - Fraternal Centres

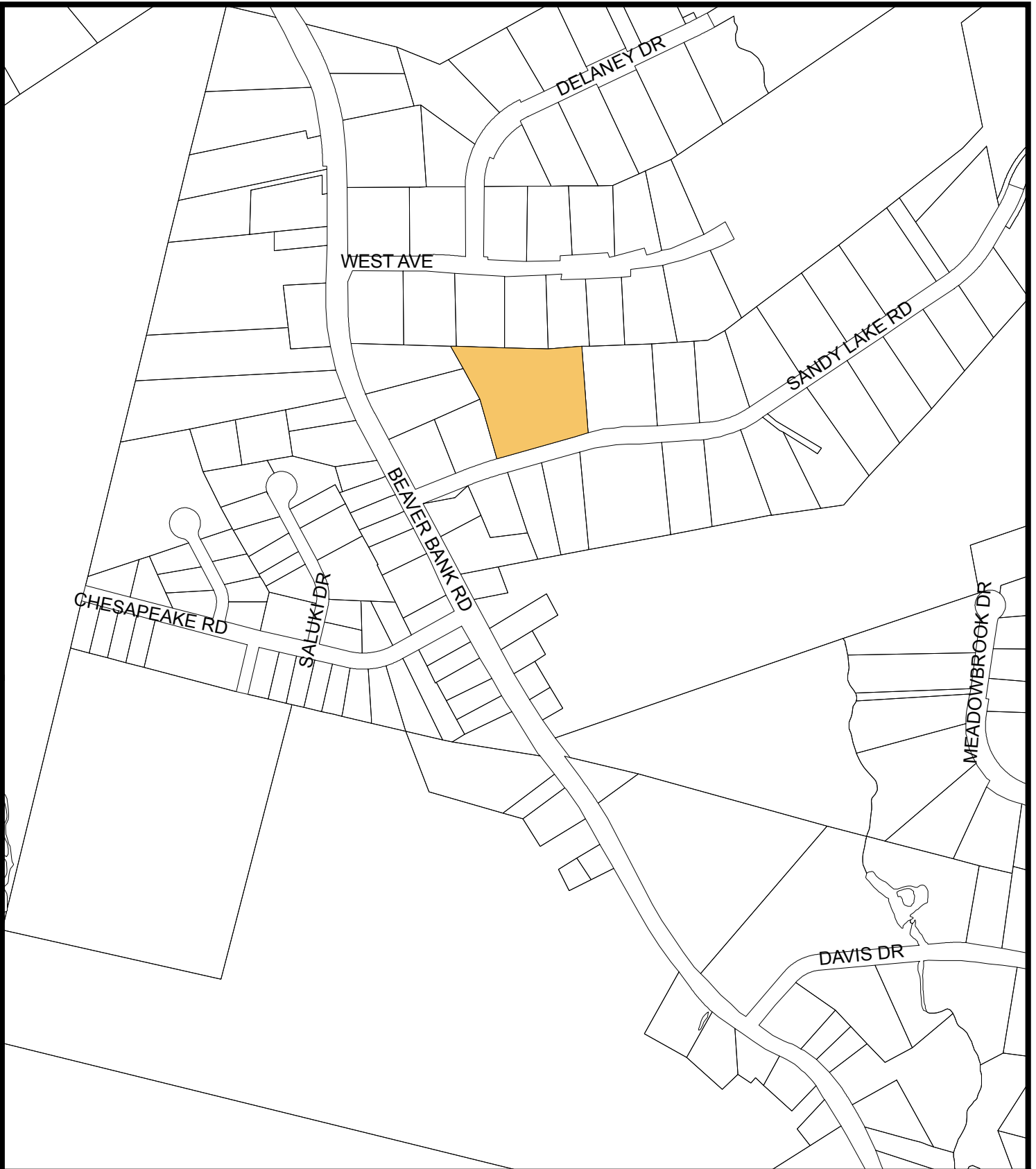
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Map 1

 Subject Property (40 Sandy Lake Rd.)



**Attachment A**  
**Relevant Policies from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy**

Community halls and centres are considered as community facilities and shall be encouraged. Fraternal centres, however, are considered to resemble more closely a commercial club than do traditional community centres located throughout the Plan Area. Such uses are more likely to have longer and more regular hours of operation as well as a regular clientele and will be considered through an amendment to the land use by-law to a C-4(Highway Commercial) Zone (P-24).

P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
- (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
- (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and
- (g) the provisions of Policy P-137.