

North West Community Council  
March 25, 2010

**TO:** North West Community Council

**SUBMITTED BY:**   
Ann Merritt, Chair  
North West Planning Advisory Committee

**RE:** Case 01323: MPS and LUB Amendments - Sackville/Sackville Drive

**DATE:** March 4, 2010

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**ORIGIN**

North West Planning Advisory Committee meeting - March 3, 2010

**RECOMMENDATION**

The North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A, B, C and D of the staff report dated February 16, 2010, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A, B, C and D of the staff report dated February 16, 2010.

**ATTACHMENTS**

Staff report dated February 16, 2010

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937  
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**North West Planning Advisory Committee**  
**March 3, 2010**

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

A handwritten signature in cursive script that reads "Austin French".

**SUBMITTED BY:** \_\_\_\_\_  
Austin French, Acting Director of Community Development

**DATE:** February 16, 2010

**SUBJECT:** **Case 01323: MPS and LUB Amendments - Sackville/Sackville Drive**

**ORIGIN**

On October 20, 2009, Regional Council initiated the process to consider amending the Municipal Planning Strategies and Land Use By-laws for Sackville and Sackville Drive to amend the common plan area boundary in the vicinity of Walker Avenue and apply the appropriate designation and zoning to affected properties.

**RECOMMENDATION**

It is recommended that North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A, B, C and D, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A, B, C and D.

## **BACKGROUND**

On August 27, 2009 North West Community Council approved a motion requesting staff prepare a report to Regional Council to authorize the initiation of the plan amendment process. The request was to look at amending the boundary lines between the Sackville Municipal Planning Strategy (MPS) and the Sackville Drive Secondary Planning Strategy (SPS) near 696 Old Sackville Road so that the dividing line between the Plans follows the street right-of-way for Walker Avenue (Map 1). Further, North West Community Council requested that staff investigate the potential of extending the R-1 (Single Unit Dwelling) Zone on the subject properties.

The location of the boundary lines and the affected properties became apparent to staff in August of 2009 when owners of the subject properties were unsuccessful in subdividing their property due to the existing plan area bounding and related zoning.

The existing MPS and SPS boundaries in the area originate from zone lines drawn prior to the construction of Walker Avenue. As a result of following old zoning lines, rather than the alignment of Walker Avenue, several small pieces of land (portions of PID #40102121 and #40585267) have been zoned Large Scale Commercial (LS) land on the north side of Walker Avenue. These pieces of land vary in width from 5 to 20 metres (16 to 66 feet) back from the street line. These small strips of land have no potential for commercial use. The location of the plan boundary and related zoning has effectively precluded development of the subject properties and the adjacent lands.

## **DISCUSSION**

### ***Implications of Boundary and Justification for Change***

A review of the location of the boundary between the Sackville MPS and Sackville Drive SPS has determined that the line was placed in this area to follow traditional zoning lines. When the Sackville Drive SPS was adopted in 2002, the plan area boundary continued to follow old zoning lines rather than the existing right-of-way of Walker Avenue. By making a slight re-alignment of the plan area boundaries, Council can create a more appropriate land use plan which enables residential development on the subject properties where no development is currently feasible.

Typically, plan area boundary lines and zoning lines align with streets, property lines and natural features such as a watercourse. In this case, this did not occur, therefore it is reasonable to consider realigning the plan area boundary lines and zoning lines with the street right of way (Walker Avenue). As well, it is appropriate to consider extending the nearest designation and zone within the plan area. In this case, the nearest property is designated UR (Urban Residential) and zoned R-1 (Single Unit Dwelling). Properties located to the south of Walker Avenue shall maintain their existing commercial designation and zoning as the properties are adjacent to Highway 101.

### ***Public Consultation***

In accordance with Regional Council's Public Participation Program for MPS amendments, a public meeting was held on December 10, 2009. The meeting served as an opportunity for residents to comment and discuss the proposed amendments. A copy of the public meeting minutes are included as Attachment E of this report. Should Regional Council decide to schedule a public hearing, property owners within the notification area shown on Map 2 will be notified of the hearing by mail. Public notices will also be posted in the local newspaper and on the HRM website.

### ***Conclusion***

Staff are recommending the plan area boundaries for both the Sackville MPS and the Sackville Drive SPS be adjusted near 696 Old Sackville Road to follow the right-of-way of Walker Avenue and designate the lands Urban Residential (UR) and zone them R-1 (Single Unit Dwelling).

### **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**

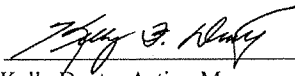
1. Council may choose to approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as outlined in this report and presented in Attachments A, B, C and D. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use Bylaw as presented in Attachments A, B, C and D. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required..
3. Council may choose to refuse the amendments to the Sackville Municipal Planning Strategy and Land Use By-law and the Sackville Drive Secondary Planning Strategy and Land Use By-law as presented in Attachments A, B, C and D. This is not the recommended course of action.

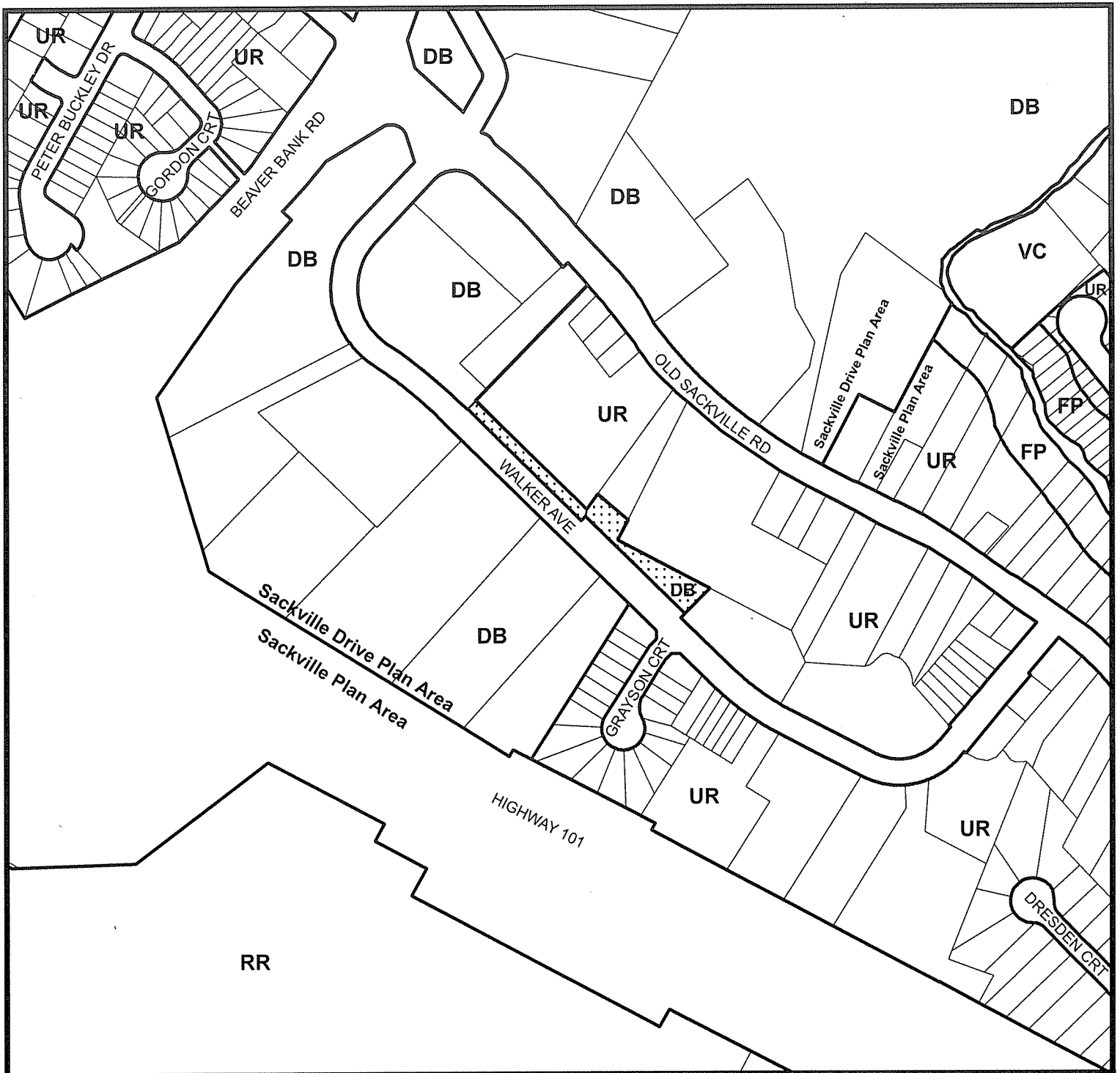
ATTACHMENTS

- Map 1                      Generalized Future Land Use (Sackville & Sackville Drive Plan Areas)  
Map 2                      Zoning (Sackville & Sackville Drive Plan Areas)
- Attachment A:            Proposed amendments to the Sackville MPS  
Attachment B:            Proposed amendments to the Sackville LUB  
Attachment C:            Proposed amendments to the Sackville Drive SPS  
Attachment D:            Proposed amendments to the Sackville Drive LUB  
Attachment E:            Minutes of the December 10, 2009 Public Meeting

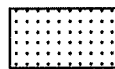
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :            Andrew Bone, Senior Planner, 869-4226 / Tyson Simms, Planner, 869-4747

  
Report Approved by:            Kelly Denty, Acting Manager of Planning Services, 490-6011



**Map 1  
Generalized Future Land Use**



**Subject Area**

Community Development  
Planning Services

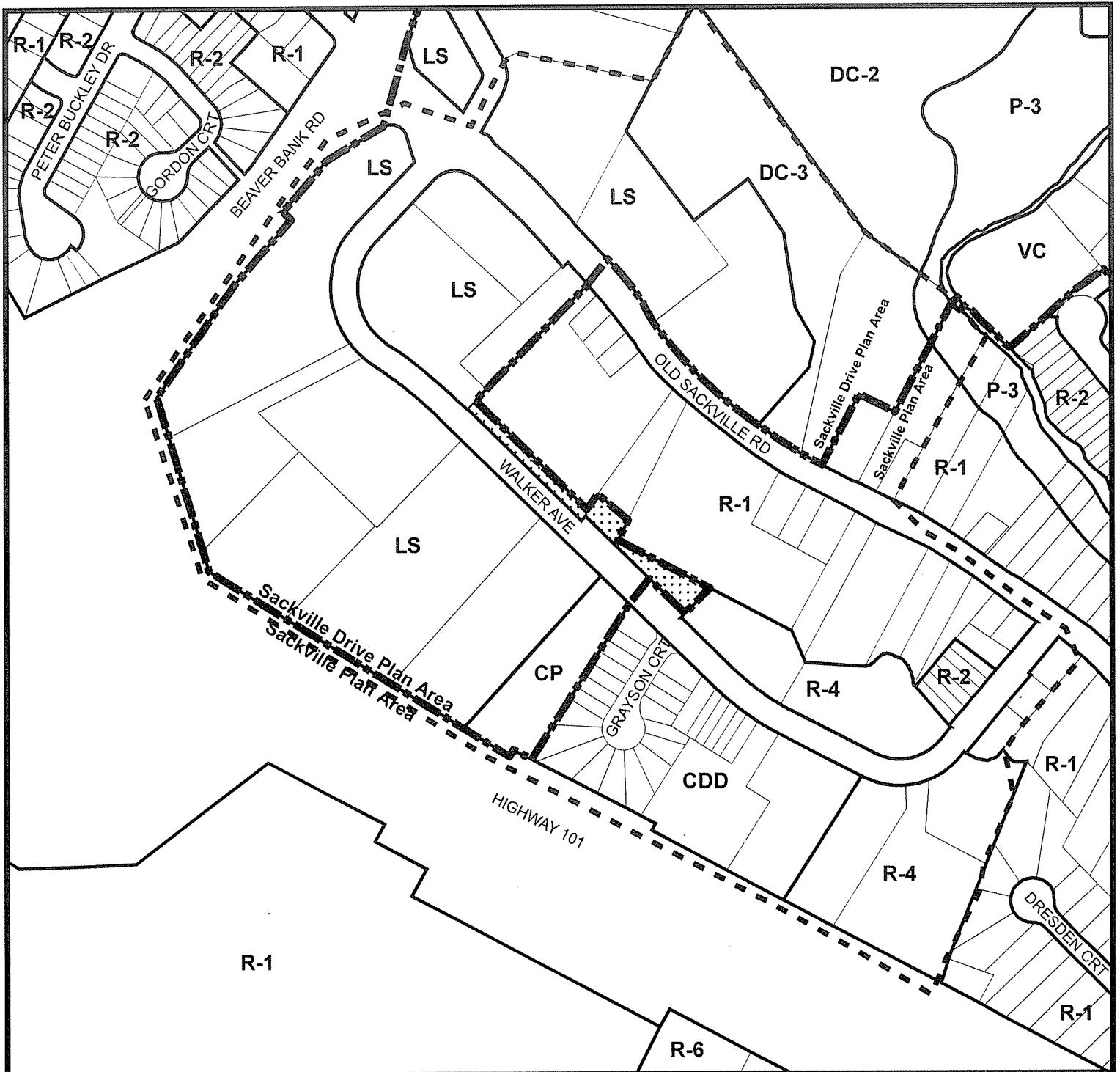
Sackville Plan Area

- UR Urban Residential Designation
- RR Rural Residential Designation
- FP Floodplain Designation

Sackville Drive Plan Area

- DB Downview / Beaver Bank Designation
- VC Acadia Village Centre Designation





**Map 2  
Zoning**

- · - · Notification Area



Subject Area



Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- CDD Comprehensive Development District
- P-3 Floodplain Zone

Sackville Drive Plan Area

- LS Large Scale Commercial Zone
- DC-2 Downsview Complex-2 Zone
- DC-3 Downsview Complex-3 Zone
- CP Community Parkland and Facility Zone
- VC Acadia Village Centre Zone
- P-3 Floodplain Zone



Attachment A

**Proposed amendments to the Sackville MPS**

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Sackville is hereby amended as follows:

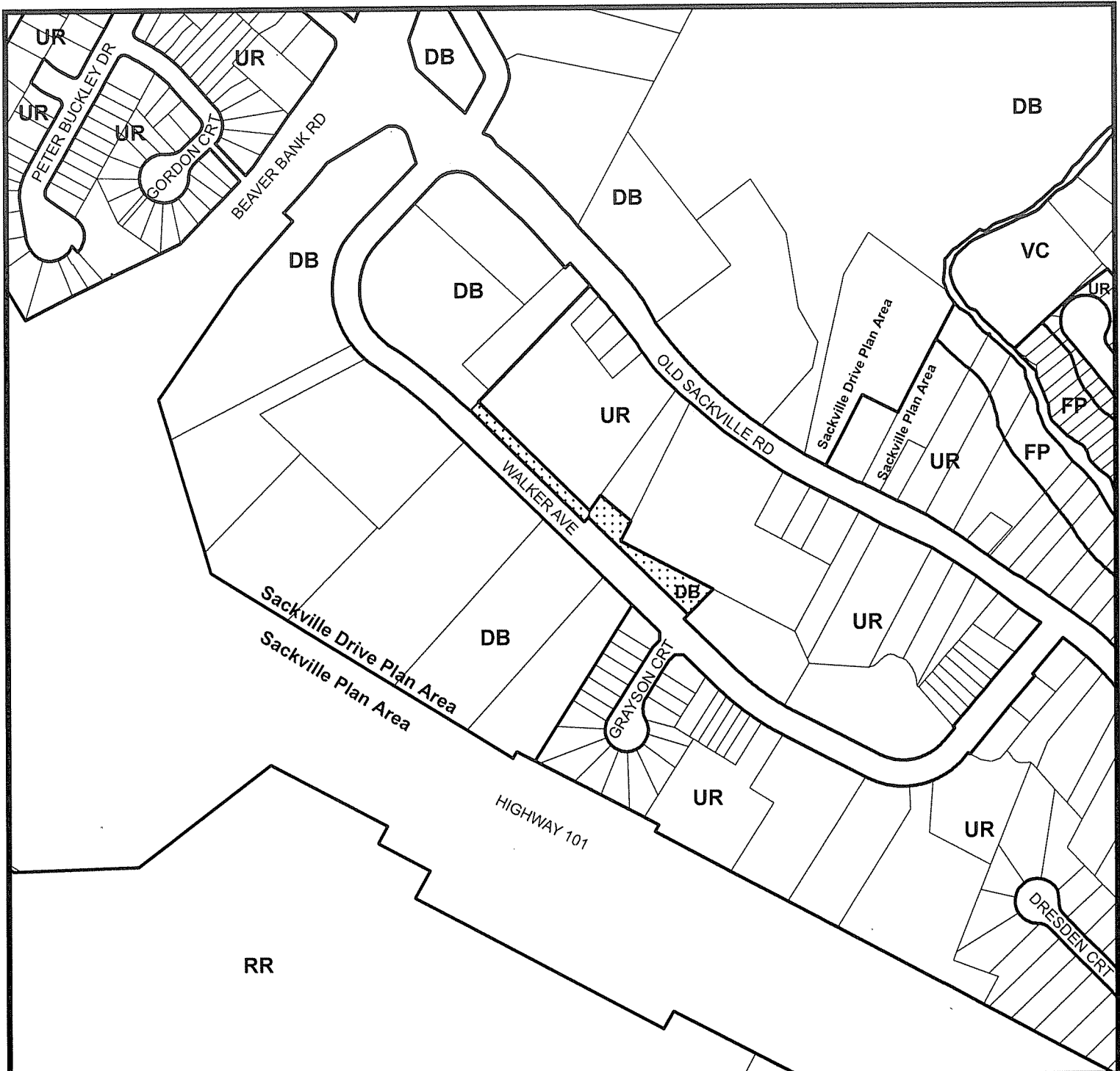
**1. By amending the Sackville Municipal Planning Strategy Generalized Future Land Use Map as shown on Schedule A:**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Municipal Clerk





**Schedule A  
Generalized Future Land Use**

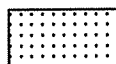
Community Development  
Planning Services

Sackville Plan Area

Sackville Drive Plan Area

- UR Urban Residential Designation
- RR Rural Residential Designation
- FP Floodplain Designation

- DB Downsview / Beaver Bank Designation
- VC Acadia Village Centre Designation

 Area to be added to the Sackville Planning Strategy and Designated UR



Attachment B

**Proposed amendments to the Sackville LUB**

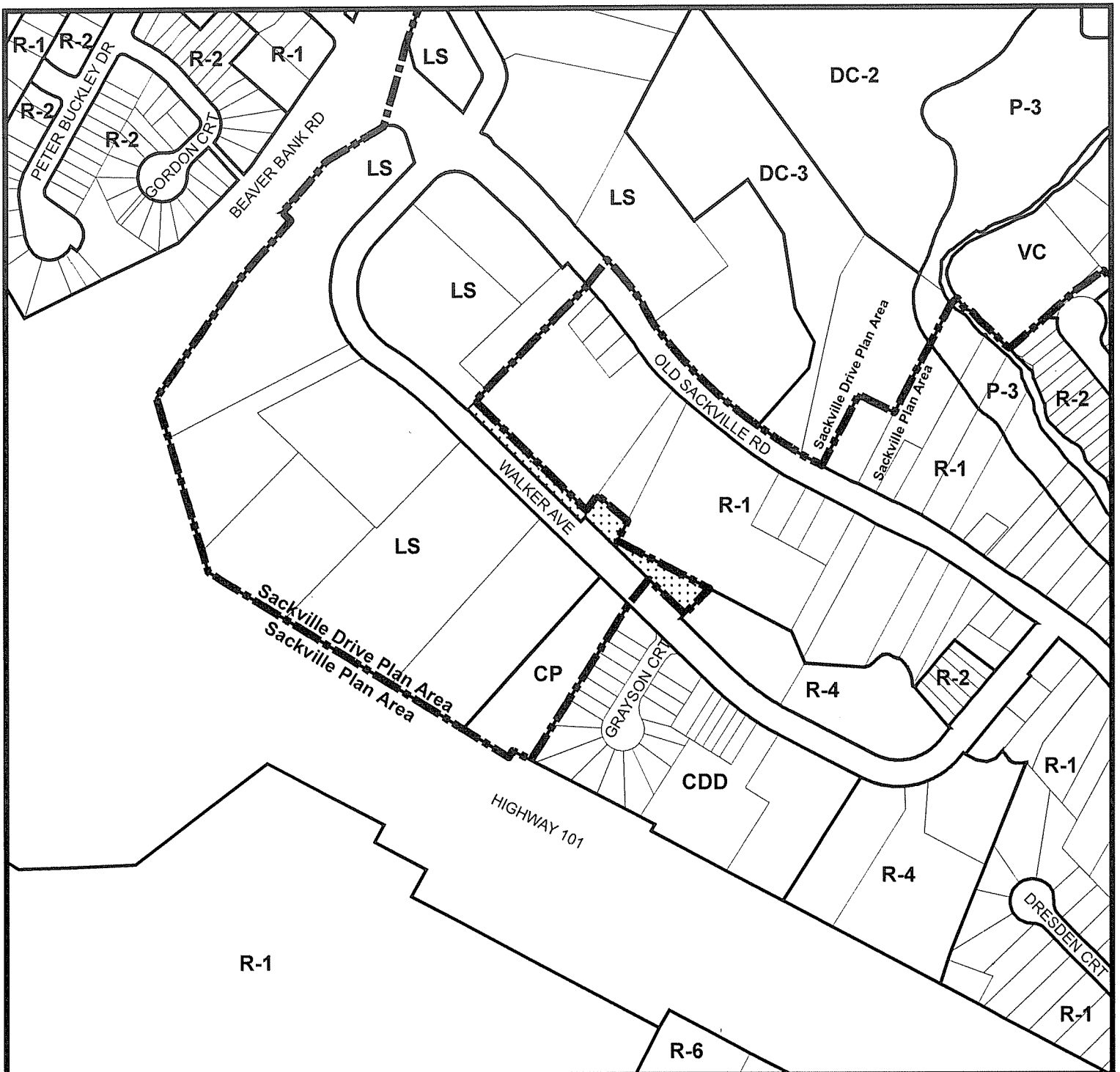
BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville is hereby amended as follows:

**1. By amending the Sackville Land Use By-law Zoning Map as shown on Schedule B:**

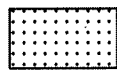
THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Municipal Clerk



**Schedule B  
Zoning**



Area to be added to the Sackville  
Land Use By-law and Zoned R-1



**Sackville Plan Area**

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- CDD Comprehensive Development District
- P-3 Floodplain Zone

**Sackville Drive Plan Area**

- LS Large Scale Commercial Zone
- DC-2 Downsview Complex-2 Zone
- DC-3 Downsview Complex-3 Zone
- CP Community Parkland and Facility Zone
- VC Acadia Village Centre Zone
- P-3 Floodplain Zone



Attachment C

**Proposed amendments to the Sackville Drive SPS**

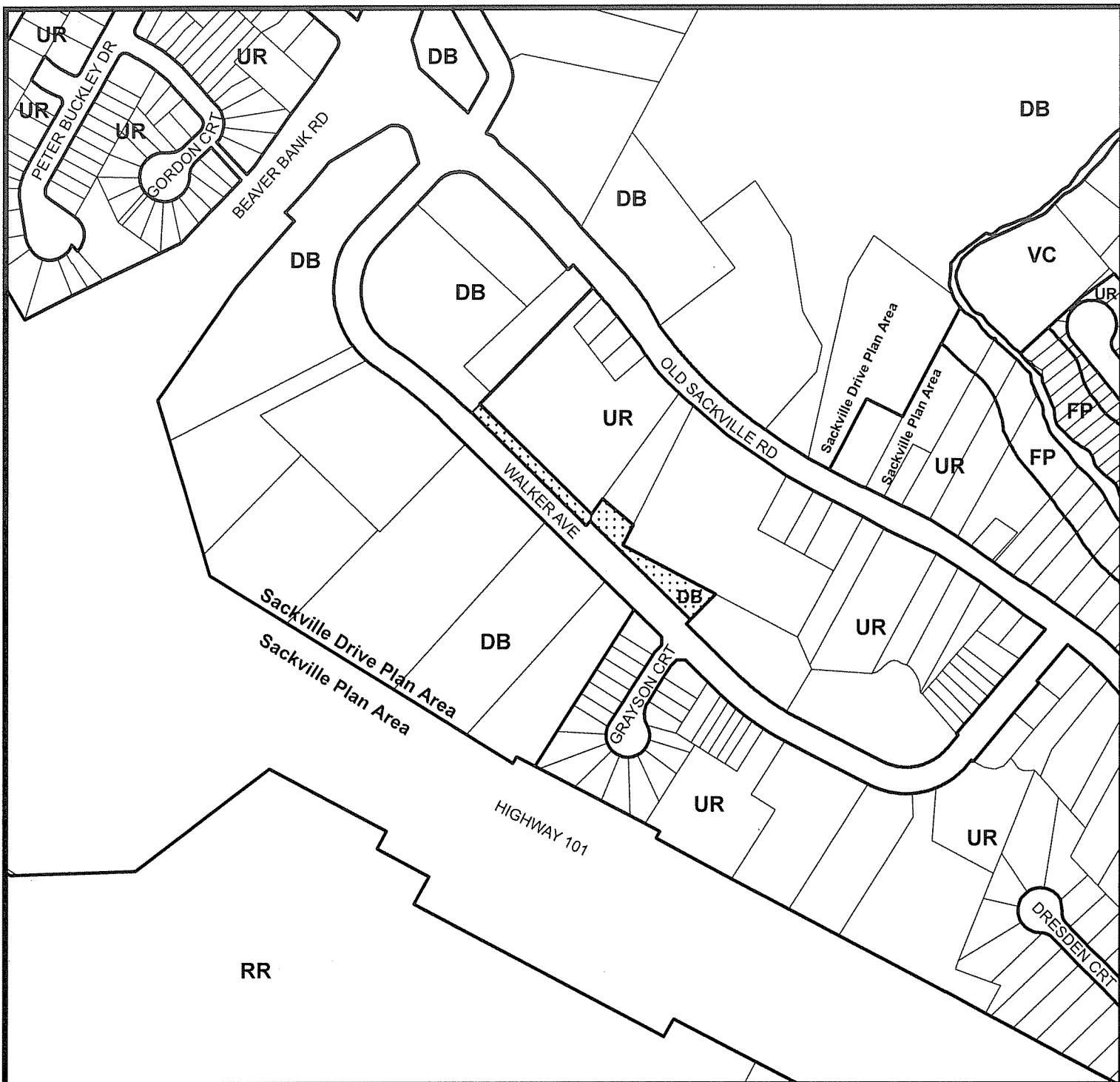
BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Secondary Planning Strategy for Sackville Drive is hereby amended as follows:

- 1. By amending the Sackville Drive Secondary Planning Strategy Generalized Future Land Use Map as shown on Schedule C:**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Municipal Clerk



**Schedule C  
Generalized Future Land Use**

Community Development  
Planning Services

Sackville Plan Area

Sackville Drive Plan Area

- UR Urban Residential Designation
- RR Rural Residential Designation
- FP Floodplain Designation

- DB Downview / Beaver Bank Designation
- VC Acadia Village Centre Designation



Area to be removed from the Sackville Drive Secondary Planning Strategy



Attachment D

**Proposed amendments to the Sackville Drive LUB**

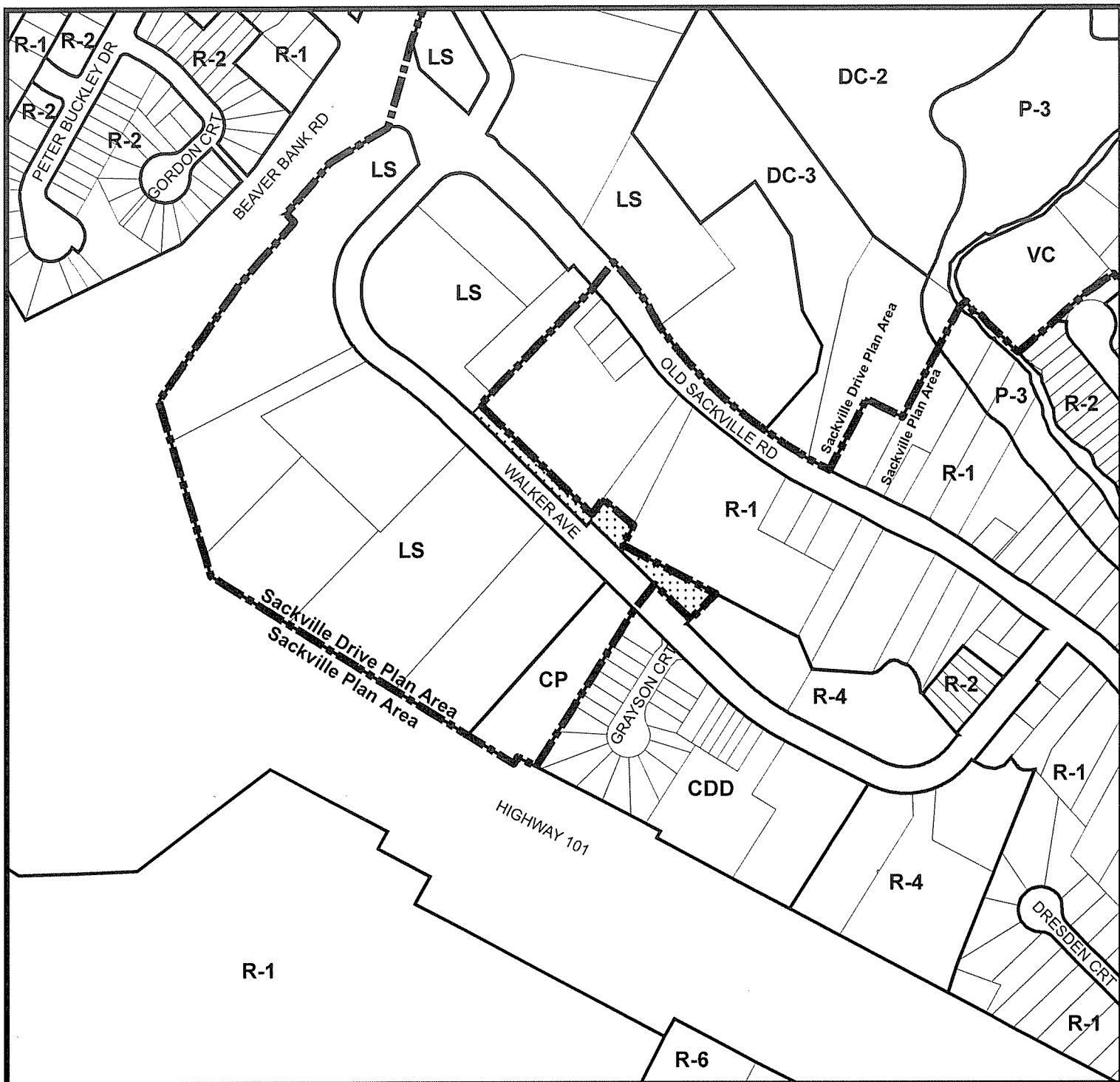
BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville Drive is hereby amended as follows:

**1. By amending the Sackville Drive Land Use By-law Zoning Map as shown on Schedule D:**

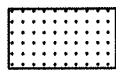
THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Municipal Clerk



**Schedule D  
Zoning**



Area to be removed from the  
Sackville Drive Land Use By-law



**Sackville Plan Area**

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- CDD Comprehensive Development District
- P-3 Floodplain Zone

**Sackville Drive Plan Area**

- LS Large Scale Commercial Zone
- DC-2 Downsview Complex-2 Zone
- DC-3 Downsview Complex-3 Zone
- CP Community Parkland and Facility Zone
- VC Acadia Village Centre Zone
- P-3 Floodplain Zone



Attachment E  
Minutes of the December 10, 2009 Public Meeting

HALIFAX REGIONAL MUNICIPALITY

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NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING  
MINUTES  
December 10, 2009

PRESENT: Ms. Ann Merritt, Chair  
Ms. Jessica Alexander  
Mr. Walter Regan  
Mr. Marc Keats  
Councillor Robert Harvey

REGRETS: Ms. Gloria Lowther  
Mr. John Zobaric  
Mr. David MacLean  
Mr. Robert Wooden

STAFF: Andrew Bone, Senior Planner  
Ms. Melody Campbell, Legislative Assistant  
Ms. Paulette Campbell, Legislative Support



1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Sackville Heights Community Centre, 45 Connolly Road, Sackville, NS

Ms. Ann Merritt, introduced the Committee and welcomed the public to the Information Meeting.

2. CASE 01323: PROPOSED AMENDMENTS TO THE BOUNDARY LINES BETWEEN THE SACKVILLE PLAN (MPS) AND THE SACKVILLE DRIVE PLAN (SPS) TO FOLLOW THE RIGHT OF WAY FOR WALKER AVENUE AND TO APPLY THE R-1 ZONE TO 696 OLD SACKVILLE ROAD, SACKVILLE.

Mr. Andrew Bone introduced himself and outlined Case 01323. He advised those in attendance that the meeting is an information exchange and that no decision on the proposal will be made at this time.

Ms. Ann Merritt advised the public of the ground rules of the meeting and requested that anyone who wanted to speak to proposed amendments come forward.

**Mr. Glen Burt, Lower Sackville**, questioned whether consideration has been given to the ravine at the end of the land, as it is a natural water course that runs off the south end of property. Mr. Bone responded that he is aware of the ravine, adding that it may impact where a home can be built since there is an automatic twenty metre set back from a water course. He advised that the Department of the Environment must determine if it is a watercourse. He advised that the water area can be infilled only if it is not considered a water course.

**Mr Jim Murphy, Lower Sackville**, advised that he is always in favour of R1 zoning, however he was concerned about R1 zoning across from large scale developments. Mr. Murphy went on to say that if HRM is looking at the long term plans of this street it is not a good idea to build across from a large scale zoning area. Mr. Bone advised that R1 is the only zone we can easily apply to this property. He noted that the benefit would be that the land will contain single family, newly built homes.

**Mr. Glen Burt, Lower Sackville**, raised concern that the homes built may become rental properties as it is so closed to Large Scale Zoning. Mr. Bone responded the HRM can only speak to the zoning not the types of homes.

**Mr. Jim Murphy, Lower Sackville**, advised that he would like to see both sides of the street be zoned as R1.

**Ms. Joanne Walker, Lower Sackville**, questioned whether HRM has received a building proposal. Mr. Bone stated that HRM has not received a proposal at this point.

**Ms. Judy Murphy, Lower Sackville**, questioned the current zoning. Mr. Bone advised that the land is currently zoned for large buildings although he added that the lands are too small for large buildings. He stated that if the zoning were to stay the same, the property would be useless for development.

**Mr. Glen Burt, Lower Sackville**, stated that the strip of property, as it is now, can be considered a type of buffer zone. Mr. Burt went on to say that in regard to this property HRM has the opportunity to make this a better situation for property owners and that the area could be kept a buffer zone. He suggested creating park land adding that this would be the best use of the land. He stated that there are other viable options for which this strip of land could be useful. He added that the community would want land used in the best capacity for the street. Mr. Bone responded that it is not a buffer zone, and that the current zoning is to allow for commercial development. He added that the Municipality does not, under normal situations, create a zone that cannot be built on.

Councillor Harvey advised that the strip of land is orphaned since the street was built over thirty years ago. He added that the lands were zoned commercial when Sackville Drive was zoned, and now HRM has brought forward the application to rezone the lands that were left at that time.

Mr. Andrew Bone advised that single dwelling homes can create a safer community by having more residents on the street.

**Ms. Judy Murphy, Lower Sackville**, inquired whether the residents of Old Sackville Road could now have a road built through the back area. Mr. Bone explained that HRM does not like building additional streets adding that the cost and servicing prospective is very high.

**Mr. Glen Burt, Lower Sackville**, inquired whether HRM can implement a buffer restriction on the two Large Scale zoned lots across the street by planting trees and landscaping. Mr. Bone stated that there are no restrictions as long as the land owners meet the terms of the zoning.

**Mr. Glen Burt, Lower Sackville**, noted that the property now is being used as a dumping ground for big boulders and that the property is very unsightly.

In response to a question by Ms. Merritt, Mr. Bone stated HRM is not planning to build a road through the back of Old Sackville Road, although HRM can not regulate which way a street goes as the final design is up to the developer. He added that streets built by private builders and are required to meet HRM requirements.

**Mr. Glen Burt, Lower Sackville**, asked if the planning department deals with development until completion. Mr. Bone advised the Planning and Development departments work together, with the Development Department working with the Developer until completion.

Mr. Glen Burt, Lower Sackville, says that he is in favour for turning that parcel of land into an R1 Zone, adding that he would like the Planning Department to look at the whole area especially the areas zoned Large Scale.

Mr. Jim Murphy, Lower Sackville, reiterated the discontent with the Large Scale zoning on the property across from the street and he requested that this area be looked at for rezoning. Councillor Harvey advised that this land is already owned and is zoned as Large Scale. The only way for the land to be rezoned would be for the property owners to request the rezoning. He added that HRM does not down zone unless requested by the land owner, and he noted that if HRM were to down zone it could be extremely expensive to HRM.

**3. CLOSING COMMENTS**

As there were no other speakers, Ms. Ann Merritt thanked the residents for their input to the process and outlined the process and timeline for the application as it proceeds to Regional Council.

**4. ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

Paulette Campbell  
Legislative Support