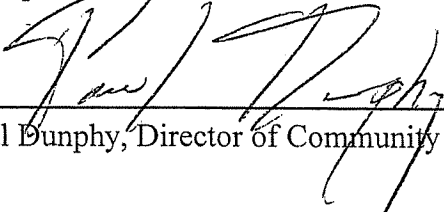




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
May 2, 2007

TO: Chairperson and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 17, 2007

SUBJECT: Case 01000: Ice Cream Stands as Temporary Commercial Uses -
Sackville Drive Land Use By-law

ORIGIN

Application by Pinky Scoopmore's Ice Cream.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider amendments to the Sackville Drive Land Use By-law to permit ice cream stands as temporary commercial uses as provided in Attachments A of this report and schedule a public hearing; and
2. Approve the amendments to the Sackville Drive Land Use By-law to permit ice cream stands as temporary commercial uses as provided in Attachment "A" of this report.

BACKGROUND

The Sackville Drive Land Use By-law (LUB) regulates temporary commercial uses and limits specific temporary uses such as buildings relating to construction, flea market, midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances, and Christmas tree sales (Attachment C). The regulations limit the amount of time a use can be established from five days to up to one year. Although not explicitly stated in the LUB, these uses have not been required to meet certain provisions of the By-law which are not necessarily appropriate for temporary uses such as landscaping.

Staff have received a request that ice cream stands be explicitly listed as temporary uses and that they be exempted from specific requirements of the LUB such as landscaping, setbacks and pervious surface requirements. The applicant would like to establish a temporary ice cream stand at 567 Sackville Drive, on a lot occupied by the Knox United Church.

DISCUSSION

Based on a review of the Sackville Drive Secondary Planning Strategy (SPS), staff have identified the following issues:

When should the list of temporary uses be expanded? Temporary uses by nature are ones that are established for a short period of time typically due to their seasonal nature, or the travelling nature of the business. Where such a use is seasonal and typically is established for a short period of time, it is reasonable for Council to consider adding a new land use to the existing ones identified.

Are ice cream stands a reasonable temporary use? In Atlantic Canada, the sale of ice cream as a primary food product appears to be seasonal for many vendors. Only businesses which sell other food products such as fast food outlets appear to sell ice cream products year round, thus it is reasonable to consider ice creme stands as a temporary use.

Are ice cream stands or similar uses permitted or encouraged in any zone? The sale of ice cream is permitted in all commercial zones in the LUB as part of a retail store or restaurant. Small scale commercial activities are discouraged in the Downsview Zones (DC-1, DC-2 and DC-3). The Pedestrian Retail (PR) Zone encourages uses such as ice cream parlours, the Sackville Drive SPS states the following in the preamble to policy:

"Only uses that are directly relevant to pedestrians should be encouraged within the Pedestrian Retail designation. Pedestrian oriented uses refer to those that do not relate or require a motor vehicle to acquire the goods or service. For instance, pedestrian related uses provide goods or services that can be easily carried-away by a pedestrian, or where a service is offered and conducted on-site. Small scale retail, clothing outlets, eat-in restaurants, dry cleaners, hairdressers, flower shops, butchers, coffee shops, ice cream parlours, and galleries, are examples of pedestrian oriented uses."

Should temporary ice cream stands be permitted in all zones? No. Given that ice cream stands are small scale uses they are not appropriate in the Downsview(DC-1, DC-2 and DC-3) and Large Scale (LS) Zones where large scale or big box type retail uses are encouraged. Further, the Pinehill -Cobequid (PC) Zone promotes larger scale and car-oriented activities. Ice Cream stands in these zones would be inappropriate in these zones due to the difference of scale and possible conflict between users of an ice cream stand and adjacent car-oriented uses. The exclusion of temporary ice cream stands from these zones leaves the Pedestrian Retail (PR) Zone as the only zone which may be appropriate for ice cream stands given its focus on small scale development and pedestrian friendly uses.

Should there be a limit on the length of time an ice cream stand is permitted to establish? Temporary ice cream stands should not be permitted to be established for periods longer than six months. Subsequent to the expiry of this time period, the temporary building should be removed. If there is a need to operate an ice cream stand for a longer term, it should be established as a permanent use under the LUB.

Should there be a maximum size for temporary ice cream stands? Establishing a maximum size keeps the scale of these uses small, thereby facilitating their removal after a six month period. Staff suggest a maximum area of 200 square feet is appropriate for temporary ice cream stands.

Is it reasonable to exempt a temporary use from certain sections of the Land Use By-law? Given the short term nature of temporary uses it may be reasonable to exempt temporary uses from meeting some requirements of the LUB which are intended for permanent uses.

Are there any other issues? When discussing temporary uses, the issue of establishing temporary uses in trucks or other vehicles is typically raised. The Sackville Drive LUB specifically precludes the use of trucks or other vehicles as commercial buildings.

Public Participation Meetings: A public participation meeting was held on February 15, 2007. Minutes of this meeting are attached as Attachment D. Notification of the public information meeting was distributed by mail to property owners identified on Map 3. Should Council decide to hold a public hearing on the attached proposal, an additional notification will be distributed as shown on Map 3 in addition to notices placed in the newspaper.

Summary: It is the opinion of staff that it is appropriate to categorize ice cream stands as temporary commercial uses. Other HRM Land Use By-laws, including Bedford, have established ice cream stands as temporary land uses and staff are not aware of any issues with temporary ice cream stands in that community. Staff recommend that North West Community Council approve the establishment of ice cream stands as temporary commercial land uses as provided in Attachment A.

BUDGET IMPLICATIONS

There are no budget implications

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

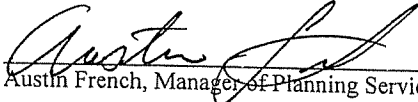
1. Approve the proposed amendments to the Sackville Drive LUB. This is recommended for reasons described above.
2. Refuse or amend the proposed changes to the Sackville Drive LUB. This is not recommended, as it is staff's opinion that the proposal is consistent with the Sackville Drive SPS. Council may wish to amend the proposed regulations, such a change may require an additional public hearing or additional preparation by staff.

ATTACHMENTS

- | | |
|--------------|---|
| Map 1: | Generalized Future Land Use Map |
| Map 2: | Zoning Map |
| Map 3: | Notification Map |
| Attachment A | Proposed changes to the LUB for Sackville Drive |
| Attachment B | Relevant Policy Sackville Drive SPS |
| Attachment B | Relevant Sections of the Sackville Drive LUB |
| Attachment D | Public Information Meeting Minutes - February 15, 2007 (part c) |

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

Report Prepared by: Andrew Bone, Sr. Planner - Planning Applications: Community Development 869-4226

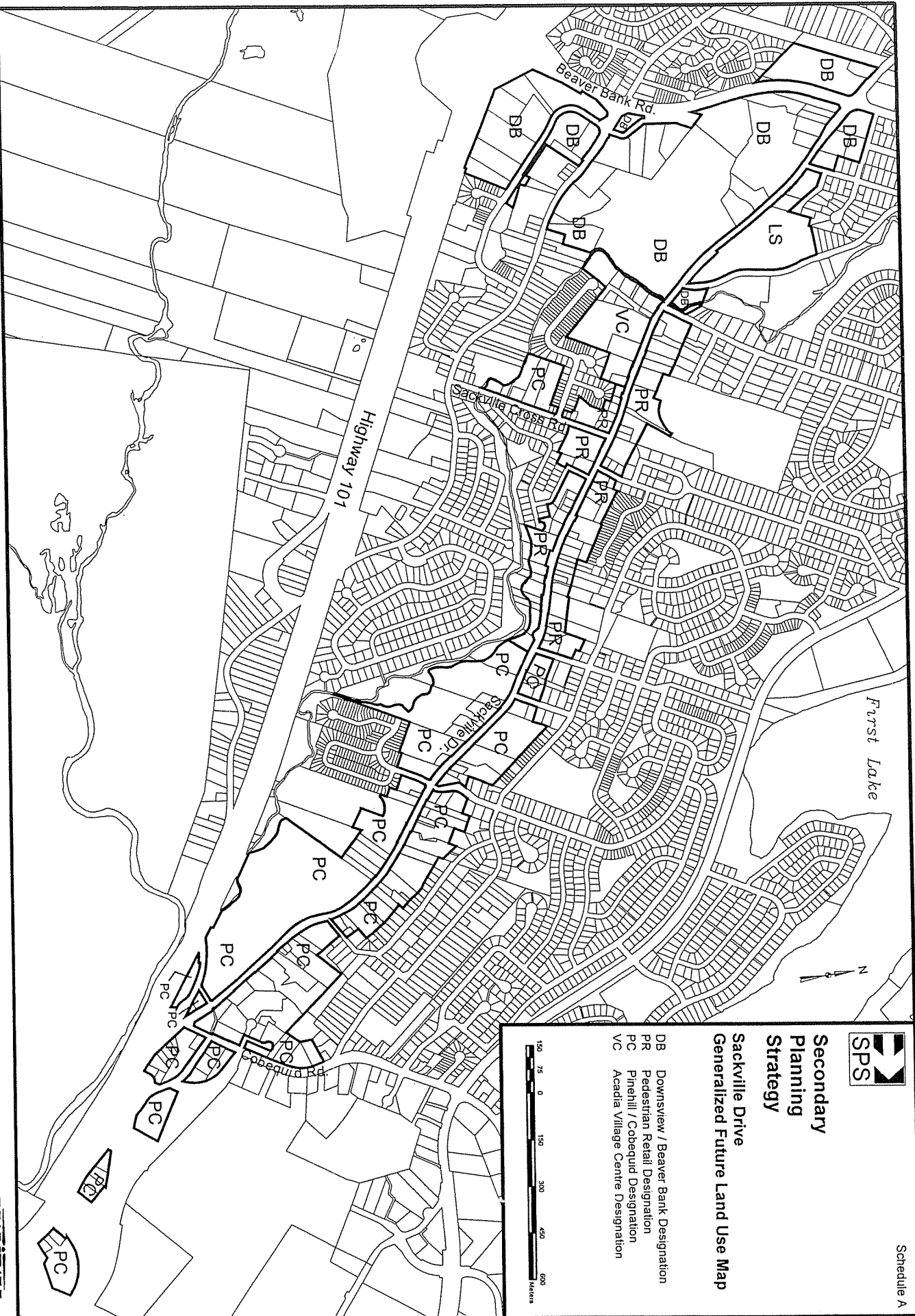
Report Approved by: 
Austin French, Manager of Planning Services 490-6717



Secondary Planning Strategy

Sackville Drive Generalized Future Land Use Map

- DB Downsview / Beaver Bank Designation
- PR Pedestrian Retail Designation
- PC Pinehill / Cobequid Designation
- VC Acadia Village Centre Designation



Map 1
Generalized Future Land Use

April 18, 2007

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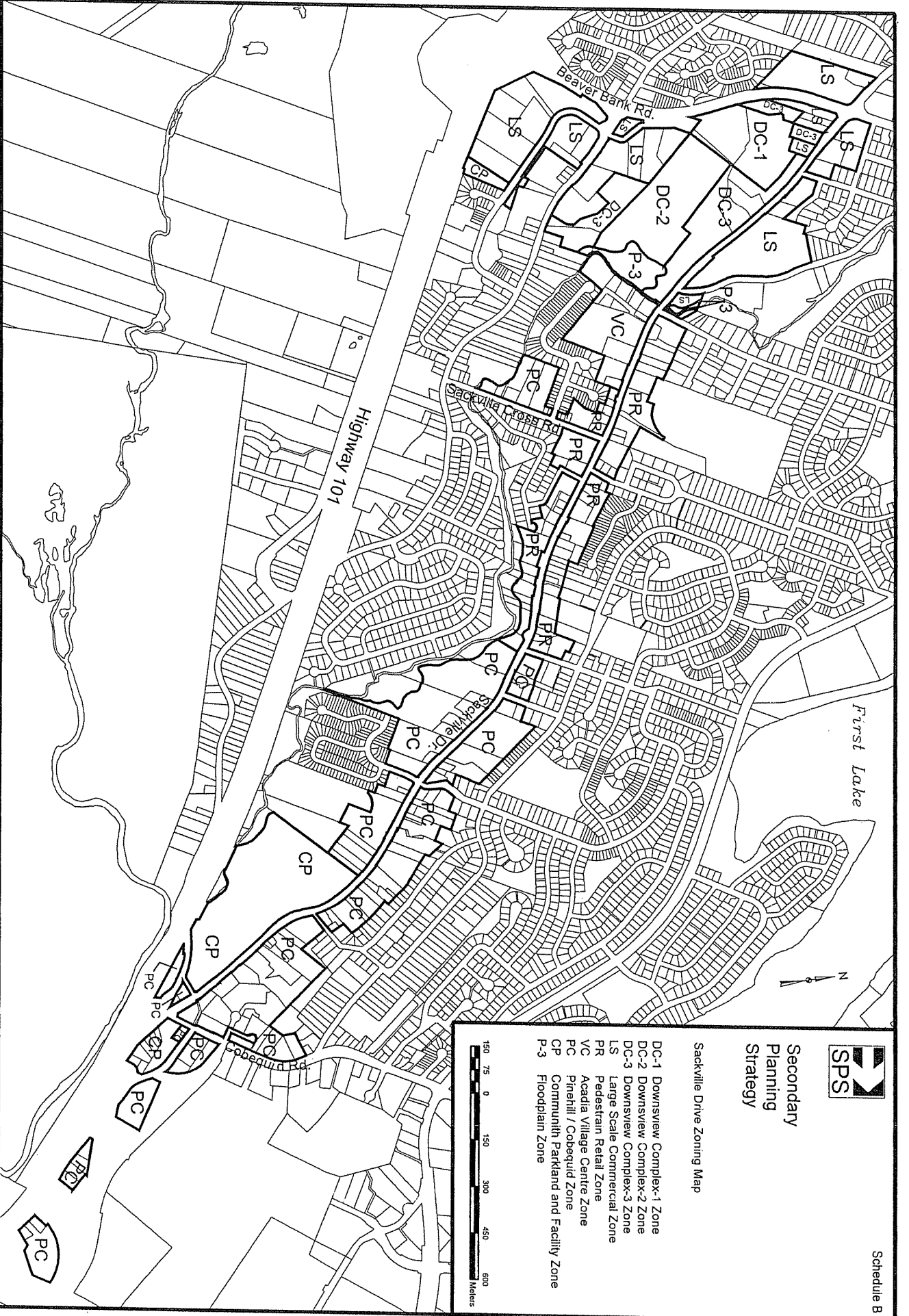
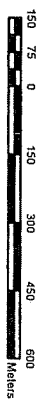




Secondary Planning Strategy

Sackville Drive Zoning Map

- DC-1 Downsview Complex-1 Zone
- DC-2 Downsview Complex-2 Zone
- DC-3 Downsview Complex-3 Zone
- LS Large Scale Commercial Zone
- PR Pedestrian Retail Zone
- VC Acadia Village Centre Zone
- PC Pinehill / Cobequid Zone
- CP Community Parkland and Facility Zone
- P-3 Floodplain Zone



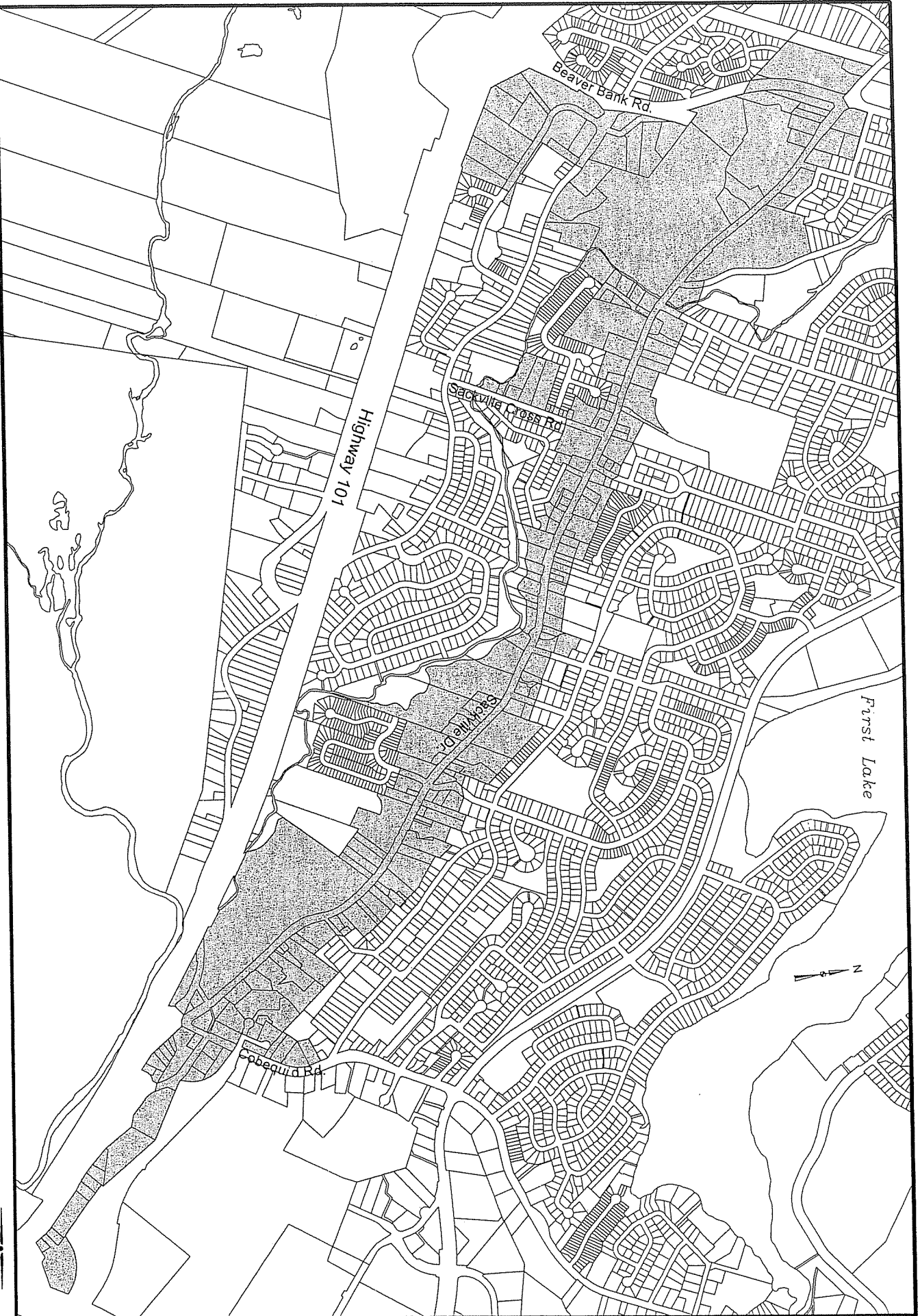
Map 2 Zoning

April 18, 2007

HRM does not guarantee the accuracy of any base map information on this map.

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Map 3
Notification

Notification Area

April 18, 2007

HRM does not guarantee the accuracy of any base map information on this map.

Attachment A
Amendments to the Land Use By-law for
Sackville Drive

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002 and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 18th day of November, 2006, is hereby further amended as follows:

1. Part 2, Section 1 shall be amended by adding the following definition before the definition of "Institutional Use":

“Ice Cream Stand: means a restaurant whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready to-eat state but shall not include the preparation or sale of hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items or the provision of drive-thru service.”

2. Part 6, Section 20 shall be deleted and replaced with the following text:

“Temporary Commercial Uses Permitted

20. Nothing in this Bylaw shall prevent the use of land or the erection of a temporary building or structure for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas Tree sales are permitted in all zones. Temporary Ice Cream stands shall be permitted for a period of six months only in the Pedestrian Retail (PR) Zone and shall not exceed 18.5 m² (200 ft²) in area.

Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year (with the exception of Christmas Tree sales) from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer. Flea Markets shall be considered as an accessory uses within the Downsview Complex Zones (DC-1, DC-2, DC-3) and shall be excluded from this provision. Any building or structure used for a temporary use shall be removed within 30 days of the discontinuance of the use or at the expiration of the temporary period.

Temporary ice cream stands shall provide landscaping in the form of a landscaped planter as identified in Part 7, Section 47 (3).“

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville Drive as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2007

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2007

Jan Gibson
Municipal Clerk

Attachment B
Relevant Sackville Drive SPS Policy

5.3 Pedestrian Retail Designation

The Pedestrian Retail district includes all public and private lands found between Riverside and Pinehill Drive, with the Little Sackville River at either end creating a natural boundary. The sector includes public buildings, various restaurants, and strip malls that cater to personal services. The area has a relatively low density form, with a limited amount of vacant land.

Policy PR-1

A Pedestrian Retail Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use that shall:

- (a) create a safe, vibrant, pedestrian scaled, retail centre;**
- (b) encourage a greater balance of retail, commercial and residential uses;**
- (c) encourage uses that cater primarily to pedestrians;**
- (d) improve the visible and physical connection to the Little Sackville River;**
- (e) improve quality and image of the streetscape; and**
- (f) encourage the provision of new parkland and open space.**

5.3.1 Encourage Pedestrian Oriented Uses

The type of land uses within the Pedestrian Retail Designation will undoubtedly influence the ability to transform this area into a thriving civic core and a viable retail shopping area. Specifically, existing car related uses, such as used-car lots, service stations, car washes, drive-thrus, large appliance and furniture stores, motor vehicle parts and services, heavy equipment rental facilities and recycling depots, are considered inappropriate in this area. These uses would be more appropriately located within the Downsview-Beaver Bank or the Pinehill - Cobequid designations.

Only uses that are directly relevant to pedestrians should be encouraged within the Pedestrian Retail designation. Pedestrian oriented uses refer to those that do not relate or require a motor vehicle to acquire the goods or service. For instance, pedestrian related uses provide goods or services that can be easily carried-away by a pedestrian, or where a service is offered and conducted on-site. Small scale retail, clothing outlets, eat-in restaurants, dry cleaners, hairdressers, flower shops, butchers, coffee shops, ice cream parlours, and galleries, are examples of pedestrian oriented uses.

Office uses are an appropriate use in the Pedestrian Retail Designation. Because office space is increasingly declining in the downtown area, and land for new office buildings has diminished, developing new office space in Sackville is a timely opportunity. Office uses would provide local employment opportunities, limit the amount of commuter traffic along Sackville Drive, and facilitate a new consumer market (non-local) base. New offices should be small in scale, provide street level entry, and outdoor common space for the pedestrian.

Tourism or recreation-based uses within the Pedestrian Retail Designation should also be encouraged. Such uses reflect the tremendous recreational and educational opportunities that natural resources like the Little Sackville River and Trail System provide in this area. Specifically, hotels, motels, bed and breakfasts, wilderness, hiking, canoeing, fishing and other outdoor outfitter uses should be encouraged to capitalize on Sackville's natural assets and to facilitate greater tourism and recreation based pedestrian activities.

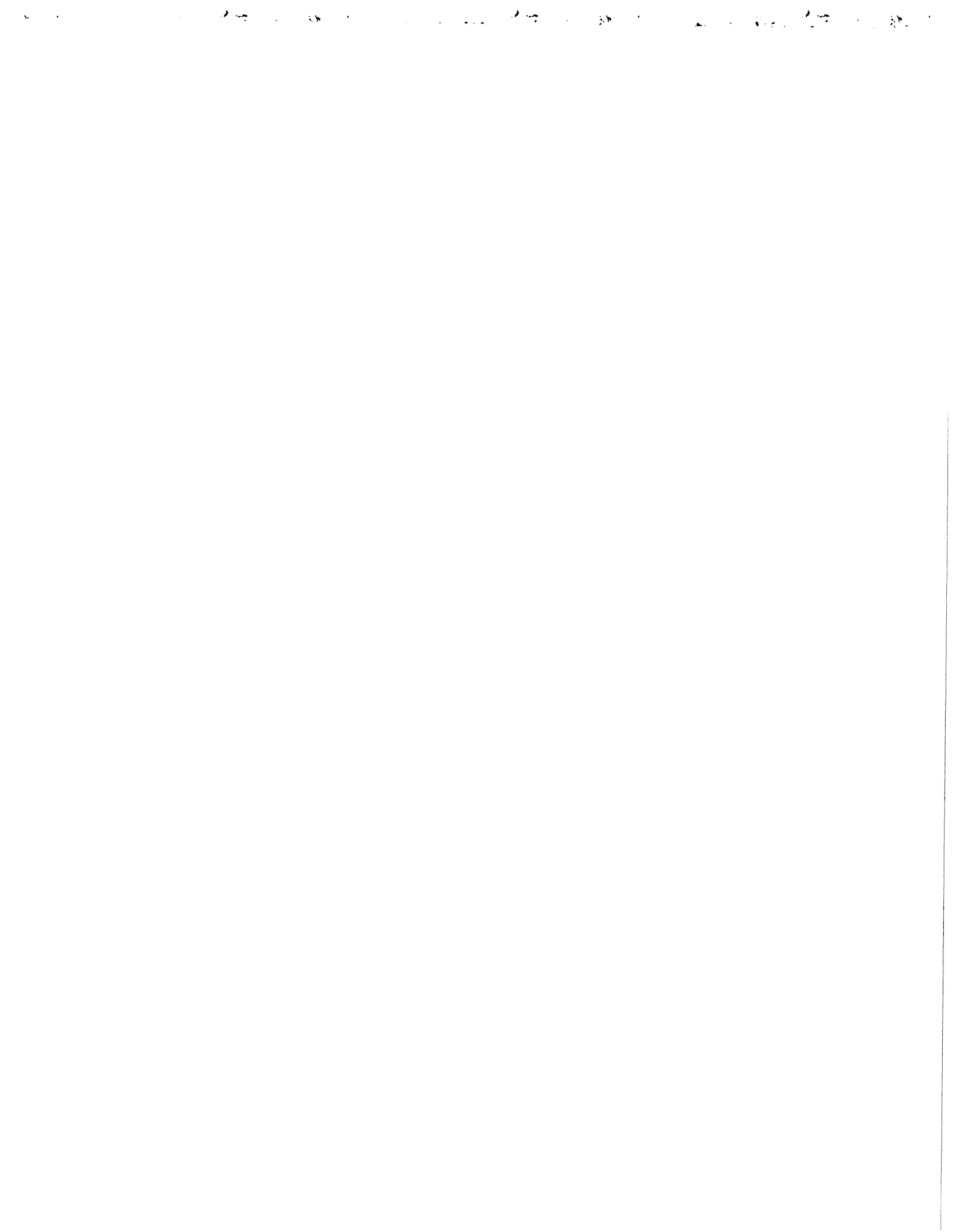
Policy PR-2

Within the Pedestrian Retail Designation, a Pedestrian Retail Zone shall be established and applied to the lands shown on Schedule B. The Zone shall permit a range of pedestrian oriented uses, including but not limited to, retail, offices, service and personal service shops, restaurants (full service, take-out), bakeries, bed and breakfasts, motels, and institutional and community developments, with footprints less than 5,000 square feet. *One and two residential units, and (RC-Apr12/05;E-May 7/05) Multiple Dwelling* uses shall be permitted within the Zone where street front commercial is provided. All uses in existence as of May 7, 2002 with the exception of any existing pawn shops, shall be permitted within the Zone.

Policy I-5

In considering a development agreement or rezoning, Council shall have regard to the following matters:

- (a) **the proposal furthers the intent of the streetscape guidelines established within the Land Use By-law and Schedule D relating to signage, architecture, landscaping, parking and driveway entrances;**
- (b) **that the proposal is not premature or inappropriate by reason of:**
 - (i) **the financial capability of the Municipality to absorb any costs relating to the development;**
 - (ii) **the adequacy of sewer and water services;**
 - (iii) **the adequacy or proximity of school, recreation and other community facilities;**
 - (iv) **the adequacy of road networks leading or next to, or within the development; and**
 - (v) **the potential for damage to or for destruction of designated historic buildings and sites.**
- (c) **that controls are placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:**
 - (i) **type of use;**
 - (ii) **height, bulk and lot coverage of any proposed building;**
 - (iii) **traffic generation, access to and egress from the site, and parking;**
 - (iv) **open storage;**
 - (v) **maintenance; and**
 - (vi) **any other relevant matter of planning concern.**



Attachment C
Relevant Sections of the Sackville Drive LUB

Temporary Commercial Uses Permitted

20. Nothing in this Bylaw shall prevent the use of land or the erection of a temporary building or structure incidental to construction in progress until such construction has been finished or discontinued for a period of thirty days and provided that such temporary structures or buildings are located on an approved building lot and meet the zone setbacks; or the temporary use of land for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas Tree sales are permitted in all zones. Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year (with the exception of Christmas Tree sales) from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer. Flea Markets shall be considered as an accessory uses within the Downsview Complex Zones (DC-1, DC-2, DC-3) and shall be excluded from this provision.

Attachment D
Public Information Meeting Minutes - February 15, 2007

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING

CASE NO. 00963, 00994 and 01000 - Sackville Drive Land Use By-law Amendments

7:00 p.m.

Thursday, February 15, 2007
Sackville Library, Fenerty Room

IN ATTENDANCE: Andrew Bone, Planner II, HRM Planning Services
Leticia Smillie, Planner I, HRM Planning Services
Cara McFarlane, Administrative Support, HRM Planning Services

ALSO PRESENT: Councillor Bob Harvey, District 20
Ed Lake, Department of Community Services
Lorna MacPherson, Department of Community Services
Kevin Riles, Caohmin Consulting
Kara Weatherby, Pinky's Skoopmore
Walter Regan, a member of North West Planning Advisory
(NWPAC) Committee and Sackville River Association (SRA)

PUBLIC IN
ATTENDANCE: Approximately 6

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Leticia Smillie introduced herself as the Planner assigned to two of the applications being discussed (Cases 00963 and 00994) and Andrew Bone as the Planner assigned to third application (Case 01000); Councillor Bob Harvey, District 20; Ed Lake and Lorna MacPherson, Department of Community Services; Kevin Riles and Kara Weatherby, Pinky's Skoopmore; and Cara McFarlane, Administrative Assistant.

Ms. Smillie showed the agenda for the meeting on overhead.

The purpose of the meeting is to identify that HRM has received an application, to identify the scope of the proposal and to look for feedback of issues and concerns.

2. Overview of planning process

The application was received. A public information meeting is held and completed. The comments are taken back and reviewed in terms of planning policy for the Sackville Drive area. A staff report with a recommendation is created. This staff report is reviewed by advisory committees that are applicable to the area and then it moves forward to community council where a public hearing date would be scheduled.

3. Presentation of Proposal

All three applications involve a change of the specific regulations and permitted uses found in the zoning of the Land Use By-law (LUB) for Sackville Drive. The proposed changes are supported by policy under the Secondary Planning Strategy (SPS) but they were not considered at the time when the specifics of the LUB were being worked out.

a) Case 00963

This application was requested by North West Community Council (NWCC) to amend the Sackville Drive LUB to allow for personal service shops (massage therapy, hair salons, tailor shops, and retail services) in existing multi-unit dwellings found in the LS (Large Scale Commercial) Zone. NWCC is asking that existing retail uses be recognized as allowable uses in existing multi-unit dwellings.

Large scale apartment buildings often have these types of uses on the ground floor to provide services for people within the apartment building and the surrounding area.

The Sackville Drive LUB was recently adopted in 2002. At that time, staff did not include existing retail uses in multi-unit dwellings under allowable uses. These existing uses are then turned into non-conforming uses which was not the intent at the time.

There are a small number of properties that would be affected by this proposal. A survey will be conducted to find out exactly how many multi-unit dwellings have these existing uses and the results will be included in the staff report.

Sites with existing multi-unit dwellings that will be affected by the proposed changes were shown on the map.

Questions and Comments

Walter Regan, a member of NWPAC and SRA, wondered about multi-unit dwellings that will be built in the future. Mr. Bone is not sure if this zone allows it as a new use. The information will be verified in the staff report and a recommendation will be provided to Council. The impact of the proposal is primarily in the LS Zone which is located at the north end of Sackville Drive. Outside the LS Zone within the Sackville Drive plan area, first floor commercial is permitted. There is an option for new buildings to have these uses (if over a 2,500 square feet) by development agreement.

Mr. Regan wondered about businesses coming in after the existing one is gone. Mr. Bone said as long as the use is permitted in the zone.

Mr. Regan asked if new businesses will have to follow the streetscape requirements. Mr. Bone said if proposed tenancy activates those requirements under the plan they would have to follow the streetscape requirements but if there is no change to the building then there would be no activation of the plan.

Councillor Harvey was under the impression that the purpose of the proposal was to broaden out the existing uses. Mr. Bone said this will allow staff to identify through the LUB where there are units. Provided these buildings are adequate for personal use, they would allow personal service shops, food stores or retail stores. The same use in the unit would not have to be maintained.

Councillor Harvey suggested taking out the word "existing" from line 2 of the description of the proposal.

Mr. Regan asked if they would have to follow the sign by-law. Mr. Bone said existing signs on the building would likely be permitted, for example: reuse of the frames (grandfathering for existing signs).

b) Case 00994

An application by HRM to include residential care facilities under the PC (Pinehill/Cobequid) Zone within the Sackville Drive LUB. This zone has a number of different uses.

There are a small number of sites that would be affected by this proposal (shown on the map). Residential care facilities should not have much of an impact as there are not many properties that would be suitable for this use. This application was prompted by an inquiry from the Nova Scotia Department of Community Services regarding the former Cobequid Centre site. They are proposing to convert the existing building into a care facility for approximately 25 residents. An internal renovation is proposed to provide appropriate facilities for residents and support staff with potential of maybe a few offices on the second floor for similar type agencies.

Presentation - Ed Lake

The Province is proposing to develop the former Cobequid Centre for approximately 25 beds in a residential care facility which would be a full-time supportive care facility. The Province already owns the property. The Province would contract a service provider for full-time care to the residents who would be mentally disabled individuals.

The existing building is currently vacant and has two levels. There is a large amount of paved parking around the structure. A concept plan is being developed but not finalized. Primarily the plan is aimed to put as much of the residential components on the main level of the building. The building itself is an office type layout and would be renovated to suit the needs for the programs. The second level of the structure is also an office type layout and in the future would be redeveloped for

office use associated with the residential care facility or some other type of use that Community Services may have or anything else permissible under the LUB. The plan is to gut the entire floor but maintain special elements such as the elevators. The building will not be expanded.

This setting would be a permanent home for the residents; therefore, the building should be as much of a home setting, both inside and out, as possible. Much effort is being put into making the grounds as hospitable as possible to the residents and staff.

The only change to the outside at this time would be to change the windows. There may be a few other little things to dress the outside of the building. The structure of the building would remain the same. The grounds would include some garden and sitting space. Security would be provided for the facility. If the application is approved by council, the demolition would be expected to begin sometime in the Spring and construction would begin soon after with the expectation that the facility would be completed by the end of this year.

Questions and Comments

Tara Hill, Sackville Drive Business Association (SDBA) and Subway owner, is concerned about the safety of the residents where the building is in close proximity to the highway. Also, the site is a window coming into Sackville. If there is fencing erected it will need to look attractive. She is also concerned about transportation issues in the case of a major highway accident.

Walter Regan, NWPAC and SRA, mentioned that any security fence that would replace the rose bush hedge would go against the Sackville business group's wishes unless some landscaping was done to make it attractive. Mr. Lake agreed.

Mr. Regan mentioned that many people, including himself, are upset that Service Nova Scotia is not part of this facility.

Mr. Regan asked if the Province will have to follow the streetscape guidelines. Mr. Bone explained that the Province has the power, if they so wished, to ignore any guidelines. In order to do so, they would have to have the Minister override them. To date, the Province wishes to cooperate with HRM and as a result of that they have filed an application. They would have to meet the requirements of the zone. Mr. Lake said the Province's intention is to comply with HRM's regulations and guidelines.

Mr. Regan mentioned that SRA is already on the record for saying that there should be no more development, or increase in development, until the overflow of sewage has been fixed. He urges the Province to seriously look at putting a holding tank on the property to help rectify the problem. Mr. Lake said they will comply with HRM's engineering department.

Michelle Champniss, SDBA, wondered if any other part of the property will be developed. Mr. Lake cannot guarantee no other development at this point, but the plans for now are to renovate the existing building. There is not a lot of interest in giving up any land on the property as it would take away from the lands for the care facility.

Ms. Champniss wondered what type of feedback the Province has received from mental health groups.

Ms. Hill asked if the Province has considered another building in the area or building a new facility. Mr. Lake said this proposal would cost approximately 2.5 to 3 million dollars which would be more economical. This site also provides a large amount of land needed for this type of facility.

Ron Cooper, Cole Harbour, mentioned that this facility would be secure and the residents within the facility would take part in the community events. The facility would also create many job opportunities. The site is large and will provide an opportunity for the residents to enjoy the outdoors.

Councillor Harvey is surprised with the institutional approach as opposed to the small options housing. Mr. Cooper mentioned that many of the residents from institutions are now living in small options homes. Lorna MacPherson explained that the Province, for the past 15 years, has been working towards de-institutionalization. For some individuals, this is the type of structure they currently need. The intervention and support that they need to enable them to move back into the community will be provided through this program.

Mr. Regan was hoping that an oil/grit separator would be installed to capture the oil running off the cars that would be parked on the lot as all the stormwater goes into the Sackville River. Mr. Lake said the specifics for the grounds have not been discussed yet but Mr. Regan's point will be considered.

Mr. Regan asked if there will be any design in the parking lot to retain water on site. Mr. Lake said it has not been decided.

Mr. Regan asked what type of heating system will be installed. Mr. Lake said that the building is electrically heated. The engineering hasn't been done yet.

Mr. Regan mentioned that Remembrance Day ceremonies draw crowds of 10 000 people are held on this site every year. Mr. Lake was not aware of that and could not comment.

Mr. Regan asked if a reputable architectural firm will be hired to do the landscaping around the site. Are there plans to construct a green roof on the building? Mr. Lake mentioned that all work will be done by reputable firms. There haven't been any specifics worked out yet.

Mr. Regan asked if a second access will be built. Mr. Lake said a second access is not required for this facility.

Ms. Hill wondered how the residents will be transported to different outings and community events. It is a long walk to public transit from the building and there are no sidewalks. Mr. Cooper mentioned that transportation is provided.

c) Case 01000

An application by Pinky's Ice Cream to amend the Sackville Drive LUB to identify ice cream stands as a temporary use for up to six months, exempt them from certain landscaping and pervious surface requirements and exempt them from front and side yard requirements. The use will be placed on an existing site, in the parking lot.

Tentatively this change could apply to all zones on Sackville Drive.

Presentation - Kevin Riles

Pinky's was founded in 2003 and currently has four locations. The company is heavily involved in community events. It is a family-oriented business and provides employment opportunities for students.

Rob LeBlanc, a well known landscape architect from Ekistics and worked with HRM on the Sackville Drive Business Association, is assisting with this proposal. Pinky's is proposing to put a 12 x 10 foot building with a pitched, shingled roof on the existing parking lot of the Knox United Church. The building consists of pink and white stripes and will have two windows facing the street. This particular building was built in 2006 and has its own security system.

There are a couple of picnic tables on site. The garbage receptacle will be locked and a local company will come twice a week to pick up the garbage. It runs on it's own water system which also consists of hot water. The only thing mixed in with the water is ice cream and a company comes by to take care of that a couple of times a week. The water is all self-contained. Power is connected through Nova Scotia Power. A physically challenged parking space will be available as well as a bike rack. A flower box is proposed. The season is usually May to September. A donation would be given to the church. The only signage would be a sandwich board sign during business hours.

Mr. Bone mentioned that this is a permitted use in the area but the question is whether it is reasonable to have it as a temporary use. Currently, temporary structures are only permitted for 30 days. Temporary uses doesn't necessarily exclude ice cream stands but it doesn't mention them specifically; therefore, 30 days is what is allowed in the plan. If this is permitted, is it reasonable for a use to be there for a six month period and is it reasonable to share a parking lot with another use? Is it reasonable to make them meet all the landscaping requirements of the MPS? This would require a reduction in the size of the Knox Church parking lot in order to meet those requirements. The uses are relatively compatible (they don't operate at the same hours).

Questions and Comments

Ms. Hill mentioned that Pinky's has asked for the support of SDBA but they would prefer businesses to come to Sackville on a permanent basis. There are also some concerns that the Pinky's trademark colours will not fit in with the whole Sackville Drive SPS. Mr. Bone mentioned that any building that goes on site would have to meet the architectural requirements of the Sackville Drive Plan. There is no proposal to exempt Pinky's from those type of requirements. Those current requirements

allow for a variety of siding types and do not regulate colour but do require pitched roof and windows facing the street. Mr. Riles explained that if the business thrived it would be desirable for the business to become permanent on Sackville Drive. Ms. Hill asked if Pinky's has investigated an opportunity to lease a storefront space on Sackville Drive temporarily. Mr. Riles explained that Pinky's has its own leasing agent and a lot of research has been done but it is helpful to be on the right-hand side of the road to be successful. At this point, without having a food operation involved it doesn't make sense. A lot of time and money has been spent on the architectural site plan and flower boxes because it is appreciated how much Sackville put into the SPS.

Ms. Champniss asked if the shrubbery that is shown on the plan is existing or new. Mr. Riles said that the trees are existing but the flower boxes and picnic tables would be new.

Mr. Riles explained that a transportation engineer has looked at the traffic counts to see what the impact would be. It was determined that there would be very little to no impact.

Mr. Regan is concerned that this will open the door for other uses from the 30 day limit to six months. What other temporary uses could come in after Pinky's? Mr. Bone is not aware of any other large scale temporary uses that is seasonal like ice cream. Mr. Regan asked if there are any regulations to control this if it happened. Mr. Bone suggested that clarification of what a temporary use is will be done and potentially exclude or only allow for certain uses.

Mr. Regan asked if there will be a composting and recycling facility. Mr. Riles said there will be handcrafted garbage receptacles. EnviroWaste picks this up and recycles what can be.

Mr. Regan asked if there are any public washrooms. Mr. Riles said that the health requirement states that there must be access to washrooms within 1000 feet. An arrangement is made with an existing business.

Mr. Regan asked that if business does increase and Pinky's starts a food line would they relocate? Mr. Riles mentioned that the ultimate plan is to find permanency.

Mr. Regan asked if there are any plans to put in an oil/grit separator. Mr. Riles said no.

Mr. Regan asked if Pinky's plans to put more than planters around. Mr. Riles mentioned that it would be nice to keep the planters year-round with a perennial in it. It would be up to the church and staff.

Mr. Regan asked if the church entrance will be used. Mr. Riles said the church entrance off Sackville Drive would be used.

Ms. Champniss asked if fish and chip trucks would be permitted on a six month basis if the zoning requirements are changed. Mr. Bone said the wording has yet to be worked out. Staff will provide advice to council. If there is an issue it can be dealt with through the land use by-law. Ms. Hill mentioned that there are vegetable stands and landscaping companies that could be permitted.

Mr. Regan asked if there will be a propane tank on site. Mr. Riles said Nova Scotia Power would hook them into the Sackville Drive line. At the end of the season it would be unhooked. Everything will be electric.

Councillor Harvey wondered what happens to the building during off-season. Mr. Riles said that the building is moved and stored at the Farmer's Dairy site.

Mr. Regan asked if the sandwich sign fits into the Sackville Drive Streetscape Design and will it cover the new Sackville Drive Signage By-law. Mr. Bone said this will be discussed in the staff report. Mr. Riles mentioned that this is why Rob LeBlanc was hired. He will ensure that the sign will fit within the regulations.

Teunis Voerman, Connolly Road, Trustee of United Knox Church, has heard nothing but positive responses and hopes it will attract more people to the area.

4. Adjournment

Mr. Bone thanked everyone for coming to the meeting and expressing their comments and concerns.

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

